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SECOND REPORT

FROM THE

SELECT COMMITTEE

ON

The State of Ireland.

1825.

[COMMUNICATED BY THE COMMONS TO THE LORDS.]

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Ordered to be printed 26th April 1825.

SECOND REPORT

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SECOND REPORT.

THE SELECT COMMITTEE appointed to inquire into The STATE OF IRELAND, more particularly with reference to the Circumstances which may have led to Disturbances in that part of the United Kingdom; and to report their Observations, together with the MINUTES OF EVIDENCE taken before them, from time to time, to The House;—Have made a further Progress in the matter referred to them, and examined several Witnesses; and directed the MINUTES of the EVIDENCE to be reported to The House.

30 March 1825.

MINUTES OF EVIDENCE.

NINTH DAY.

Mercurii, 16^o die Martii 1825.

LORD BINNING

IN THE CHAIR.

The Right Reverend *James Doyle*, D.D. Titular Bishop of Kildare and Leighlin, called in, and examined.

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James Doyle, D. D.*

YOU are the Roman Catholic Bishop of Kildare and Leighlin?—I am.

According to the principles which govern the Roman Catholic church in Ireland, has the Pope any authority to issue commands, ordinances, or injunctions, general or special, without the consent of the King?—He has.

If he should issue such orders, are the subjects of His Majesty, particularly the clergy, bound to obey them?—The orders which he has a right to issue must regard things that are of a spiritual nature; and when his commands regard such things, the clergy are bound to obey them; but were he to issue commands regarding things not spiritual, the clergy are not in anywise bound to obey them.

Does it not happen frequently, that there must be such an intermixture of spiritual and temporal power in such cases, that it is very difficult to know where the spiritual power ends, and where the temporal power begins?—Such difficulties have occurred from time to time; but I conceive, that at present, and even for some centuries past, the limits between the temporal and spiritual things, which such commands of the Pope might affect, are so well ascertained, that no mistake could, morally speaking, possibly at present occur.

Is the authority of the Pope in spiritual matters, absolute or limited?—It is limited.

Is it limited by the authority of councils?—It is limited by decrees of councils already passed; it is limited by usage, also, in this respect, that when he directs any decree respecting local discipline to any nation whatsoever, beyond the limits of his own territory, (I mean, by his own territory, what is called the Patrimony of St. Peter, or the Papal States,) the assent of the bishops of such country is necessary, in order that his decree have effect.

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Would it be possible, according to the discipline of the Roman Catholic church, to hold a council in Ireland, without the consent of the Pope?—It would be possible to hold a council in Ireland, without the consent or the knowledge of the Pope; but such decrees of that council, if it were a national, or even a provincial one, as would regard faith or discipline, would not have force, unless they were approved of or sanctioned, after being passed here, by the Pope; but every bishop, within his own diocese, has the power of holding a diocesan synod or council, the decrees of which have force, independent of the Pope, and without his being made acquainted with them.

In the event of what is generally called Catholic Emancipation being granted, and an incorporation of the Catholics with the government of the country, would the Roman Catholic church consider it an usurpation on the part of the King, to order councils to be held for the regulation of the Roman Catholic church, in matters of discipline?—We do not recognize an authority in any lay person whatsoever, to convene a council, or to order one to be held, unless he do so at the desire of, or in conjunction with the ecclesiastical authority.

That, under no circumstances, could take place?—I do not know that were His present Majesty to wish that a council were held, and to signify such His Majesty's pleasure to the Catholic bishops in Ireland, in such case, I have no doubt but they might hold, and even would hold, such council.

Would such council be, according to the laws of the Roman Catholic church, absolutely illegal, without the consent of the Pope?—No; but the decrees of such council would have no validity, unless they were approved of and sanctioned by the Pope; however, the holding of such council would be perfectly legal. The Committee are not to understand, by what I have said, that we would recognize in His Majesty a right to convene such council, or to order it to be held; but only, that we are subjects obedient to His Majesty, and willing, in all things lawful, to conform to His Majesty's will, that we would, upon an intimation made to us, cheerfully hold a council, and deliberate upon any matter which he would submit to our consideration.

Supposing there was a representative of the Pope in this country, would the Roman Catholic clergy have any objection to allow the power of such representative to be strictly defined?—Instead of being opposed to it, they would most anxiously desire that his power should be strictly defined; and there is no class of persons within the kingdom who would profit so much from that specific definition of his power, as the Catholic bishops.

Would there be any objection to allow the King of Great Britain the power of refusing any representative from the Pope to reside in these kingdoms?—His Majesty is prevented, as I conceive the law now to stand, from holding any communication with the Pope, or permitting any envoy or nuncio of the Pope to reside within these kingdoms.

Supposing the law was to be altered, would you then have any objection to His Majesty having that power?—I cannot see how we could have any objection to it, because if such a person was resident in the country, the ordinary business which we now transact at Rome could be transacted with him; and if he were to be removed from the country, or not permitted to come into it, we should only continue to communicate with Rome, in the same manner as we now do.

Would there be any objection, on the part of the Roman Catholic clergy, for the legislature to demand from the legate, before he is allowed to exercise his functions, a solemn written promise, not to attempt any thing against the laws of the kingdom, or to continue in England or Ireland beyond the pleasure of the King, or of the privy council?—To the first part of what is stated, so far from having any objection to it, we should be glad that such a demand were made of him. As to the second part, it is a matter about which we should not, properly speaking, form any opinion. Whether the King were to have such a right or not, is a matter about which, I think, we need not in any way be consulted; it would rest between His Majesty and the court of Rome, and we would, as I conceive, have nothing to do with it; but as to the requiring a pledge by oath, or otherwise, from the nuncio who might be placed in this country, that he would not in anywise interfere with the temporal or civil concerns either of His Majesty, or of His Majesty's subjects, so far from having an objection to that, we should rejoice at it, because we would not wish that he should so interfere in any way. We would also be glad that such a declaration were made by him, because that would go far to satisfy the minds of those who differ

differ from us in religion, as to the sentiments which we entertain with regard to the Pope, or his envoys.

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Can the court of Rome, of its own mere volition, give orders for levying tithes, taxes, impositions, alms, contributions, or any money for bulls of pardon or indulgences, upon the Catholic people of Ireland?—I state distinctly, that the Pope has no power in any shape or form, or for any purpose whatever, or under any pretence or pretext, or in lieu of any bull, rescript or indulgence, or permission, or manner of writing, or otherwise, which he may issue, or which he may direct here, to levy or require from the subjects of this realm any money whatever, or any equivalent for money.

Is it in the power of the Pope to absolve the Catholic people from their oaths of allegiance?—It is not.

Or to deprive His Majesty the King, of his kingdom?—It is not, indeed.

Could any admonition, or excommunication, or interdiction by the Pope, excuse the temporal obedience of the Catholic laity or Catholic clergy to the King?—Most undoubtedly not.

Could the Pope excommunicate a Roman Catholic holding an office under the Crown, supposing, for instance, the law allowed him to be a judge, for performing the duties of that office, even though a sentence pronounced by him might trench upon the supposed supremacy of the Pope in spiritual matters?—If it be a mixed matter, in which civil rights are concerned, certainly such judge could not be molested or excommunicated by the Pope for deciding according to the law, which he was bound by his office to administer.

Is there any jurisdiction, according to the discipline of the Roman Catholic church in Ireland, allowed to the Pope, or to the Pope's legates, in matters concerning marriages?—In the discipline of the Catholic church, the Council of Trent has limited the degrees of consanguinity and affinity within which marriages might not be lawfully contracted; for, by the Council of Lateran, held some centuries before, degrees of kindred within which marriages could not be contracted, were extended much more than they are at present. Now we recognize the Pope as the executive power in the Catholic church; and he is, on that account, enabled to execute the laws of general councils. Now the Council of Trent has decreed, that marriages cannot validly be contracted within certain degrees of kindred; and the Pope, upon a sufficient cause being shewn, and not without it, has power to dispense in those degrees of kindred, and permit the marriage to take place. A bishop even, independent of the Pope, has, by ancient usage, a right to dispense, in certain circumstances, with many such impediments as those to which I allude.

Suppose parties have not had recourse to the spiritual courts for those dispensations, is the issue of such marriages illegitimate?—We repute it legitimate according to law, and we recognize such issue as the rightful possessors or inheritors of property, but we do not look upon them as legitimate in the ecclesiastical sense; for instance, a son born of such marriage we could not ordain as priest, or consecrate as bishop; but the son of such marriage we would recognize, and it would be our duty so to do, as the legal inheritor of his father's title or estate.

Are there any other disabilities?—No other occur to me.

Has the Pope the power of legitimatising persons who must be considered as bastards in the ecclesiastical sense?—Such power resides in the Pope, and also in the bishop, in certain cases defined by law, which are very numerous.

By law you mean ecclesiastical law?—Yes.

Is there any jurisdiction, according to the discipline of the Roman Catholic church in Ireland, allowed to the Pope with respect to adultery?—I know of none.

Or perjury?—No, there is not; unless that which every bishop has, namely, a power of excommunicating a person notoriously guilty of it.

The cognizance of all those matters then, it is presumed, belongs to the civil courts?—Unquestionably.

And there can be no appeal from the decision of the civil courts to the Pope, in cases of adultery or marriage?—No, there is no such appeal at all, that I recollect.

Can any foreigner be appointed to a benefice in Ireland?—At present he can. The right of presenting to all the sees in Ireland was vested, by usage or by law, I do not know which, in the Stuart family, previous to their being expelled from these countries; and whilst a descendant of that family resided at Rome, he was accustomed to recommend to the Irish Catholic sees; from the death of the late Pretender till the present time, the right of appointment to bishoprics in Ireland, has vested solely and exclusively in the Pope; but, from that period until the present, he

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he has not in any one instance that has come to my knowledge, (and I have made very diligent enquiries upon the subject,) appointed any person, unless such as had been previously recommended to him by some person or persons in this country. The persons who so recommend generally, are the chapter, and where there is no chapter existing, the parochial clergy of the diocese, and the metropolitan or suffragan bishops who are of the province where the see happens to be vacant.

Can the Pope unite or incorporate livings in Ireland, without any reference to the bishop?—He can incorporate bishoprics in Ireland, without any reference to any authority here; but it would, on his part, be a stretch of power, against which, were it not done at our desire, we would remonstrate, and it could scarcely take effect; but the naked power is in him; the exercise of that power, however, is another thing, for it would regard the discipline of our church, and upon that, if he attempted to do any thing that did not meet with our full approbation, we should oppose to him what I might call *here* a constitutional resistance; and he could not easily carry it into effect against our will.

In cases of appeal to the court of Rome, respecting either the incorporation of livings, or the limits of parishes, which it is understood are frequently made?—With regard to the union or division of ecclesiastical livings here, the right of the Pope regards dioceses only, for the union or division of parishes is a right vested by law in the bishops.

If there be any dispute respecting the limits of a parish, the first appeal is to the bishop?—To the bishop.

Then there is an appeal from his decision to the court of Rome?—No; to the Metropolitan, and from him to the Pope; but in those matters, appeals are seldom or never made, and if made, not countenanced, for they are only what we call the *causæ majores* that are referred to Rome, or about which appeals are properly made to Rome.

Can the Pope summon the attendance of any witnesses in such causes?—He might summon them, but to enforce their attendance, is another thing; the practice of the court of Rome in such cases, when testimony is required, always is, to appoint a commission here to take evidence, and to transmit the evidence to Rome.

Can the Pope, or his legate, grant a dispensation to a graduate at any university, at Maynooth for instance, or at any other college, to take his degree at an earlier period than the common forms of the university allow?—I do not know that the Pope has such power; I think the granting degrees, is a privilege generally derived from the King, and not from the Pope, outside the territories of the Pope himself; he has granted to religious orders the power of granting what we call a degree of master in theology, a rank which is equal to that of doctor for instance; but except this, I have known of no case where the Pope has, for the last four centuries, granted to any corporation or individual a power to confer degrees, so that the exercise of that right on the part of the Pope, is, in some measure, obsolete; and I can scarcely inform the Committee, what he can or cannot do upon the subject, at present, but I can with great safety say, that the Pope is not disposed to revive a practice which probably he could not, were he so disposed, bring into use.

In the case of Catholic emancipation being granted, and the Catholics being thereby placed on the same footing with Protestants, as regards civil rights in Ireland, would that make any difference in the ecclesiastical state of Ireland?—I do not suppose it would.

Is there any difference between a country that is considered in the state of a missionary country, and a country regularly under the Catholic church?—There is a material difference between a missionary country and one governed by a regularly constituted hierarchy; our church in Ireland is of the latter description, and not of the former; but our business with Rome, for the sake of convenience and dispatch, is transacted through the congregation *De propagandâ Fide*, which watches over the missionary countries and their interests; but except that our business is so transacted, and Ireland thereby treated like a missionary country, I see no reason why it should be so considered either at Rome, or by ourselves. We, in a word, do not consider our country as a missionary country, such, for instance, as England is, for we have a regularly constituted church.

Then it is not at all upon the ground of those transactions going on, as if Ireland was a missionary country, that the Pope has the nomination of the bishops in Ireland?—By no means; it is because the right of presenting was vested in a family which is extinct, and then the Pope, as the supreme head of the church, took to himself this right, which was, as it were, in abeyance, and acts upon it in the appoint-
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ment of bishops, since the extinction of that family ; for we do not, and cannot recognize in a prince, or in any number of persons professing a religion different from our own, a right to present to ecclesiastical benefices, if you call them so, or to offices having attached to them the care of souls.

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In case of the question of Catholic Emancipation being granted, would there be any objection on the part of the Irish clergy, to an arrangement being made with the court of Rome, by which the nomination to the benefices in Ireland might become purely domestic?—We should be extremely glad, if such an arrangement were entered into, provided that such domestic appointment did not exclude, what we consider as essential to our Catholicism, namely, the right of the Pope to give institution to our bishops, as he does for instance in France, to the Catholic bishops there.

In the case of Catholic emancipation being granted, would the Catholic clergy feel any objection to an arrangement being made, by which they might receive a salary for the performance of their ecclesiastical duties?—Upon that subject I could not make known to the Committee the sentiments of the clergy as a body, or even of many of them as individuals ; but I can tell what I think myself upon the subject : I should be adverse to the receiving of any emolument or compensation whatever from the Crown ; and I should prefer receiving the slender support which I receive at present from the people whom I serve ; but if His Majesty's government, or those through whose favourable exertions the Bill for our emancipation might be carried forward, were to require, as a condition, that I would receive such bounty as His Majesty might be pleased graciously to confer upon me, I should not refuse it if such refusal would be an obstacle to the passing of such Bill ; but were I to choose for myself, I should prefer not receiving it. I would beg also to give the Committee to understand, that I would not, for any consideration whatever, receive a stipend or a means of support, which it would be in the power of His Majesty's government to give or withhold. If I were to receive anything, I should expect it would be given, and that I would have a right to receive it, as long as I comported myself loyally and peaceably as it becomes a subject.

When you say, that you would consider that it would be proper that it should be liable to be taken away, in case of your not comporting yourself loyally, and in proper obedience to the laws, the Committee conclude you mean, in case you were convicted by some legal court, of such conduct?—Unquestionably.

You stated, that the power of appointing to bishoprics in Ireland, resided in the Stuart family ; will you state how that power came to reside in the Stuart family?—In the same manner as in most of the other royal families of Europe. Originally in the Catholic church, bishops were elected by the people and clergy conjointly ; afterwards those assemblies became scenes of riot and tumult, and the right of election was confined to the clergy alone ; the clergy then being a numerous body, intrigues and cabals, and those other faults which human nature is liable to in every class and description of men, produced much evil, and hence the election of bishops was confined to chapters ; those chapters in time also became seats of intrigue, and kings were anxious to get into their own hands the patronage of the church : hence they entered into treaties or *concordats* generally throughout Europe with the Pope, that they should have a right of sending a *conge d'elire* to chapters, recommending a certain person to them to be elected by them, and they the sovereigns agreed at the same time with the Pope, that he should give institution to such person, he being fit and proper, as the chapter had elected, upon the royal recommendation. An arrangement of this, or of a similar nature, exists in almost every country in Europe ; and it existed in Ireland in the time of the Stuarts and Tudors.

Will you have the goodness to state, whether the Catholic clergy in Ireland recognize that right in a Protestant sovereign?—We never recognize such right in any Protestant sovereign whatever.

Then, in point of fact, it was only recognized in the Person of James the Second?—Only in the person of James the Second, of all the Stuarts.

You hold, that that same power still resides in the king, if that king happened to be a Catholic, but that during the sovereignty of a Protestant monarch, such power is extinct?—It is a right like all others, whether we call it a right derived from the law, or a right derived from usage or compact, which ceases by disuse ; and if by a supposition, which is merely possible, the king upon the throne were to be a Catholic, I do not think, that thereby this right, formerly residing in his predecessors being Catholics, would accrue to him ; I think it has been lost by disuse, but it is a right,

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a right, however, which a Catholic sovereign could easily obtain, by treating with the Pope.

Was the right of appointing to the Roman Catholic bishoprics of Ireland, ever practically exercised by James the Second?—Yes, I should think it was; and also by Mary, previous to the accession of the Stuarts. I cannot state the instances, because I should refer to the history of the church at that particular period; and without doing so, I might fall into an error; but I am quite confident the right resided in him, and I should have no hesitation in saying, that it was exercised by him in more instances than one.

Do you think it was exercised by James the Second, before his arrival in Ireland?—Yes; during the entire of his reign.

From the period of his accession?—From the period of his accession till the time of his expulsion from Ireland.

He was at that time head of the church of England?—He might also have a right to present to the sees of the church in Ireland; but he would not become the head of our church, by having a right to direct the chapter to elect a certain individual to be instituted as bishop by the Pope.

After his abdication, do you think he exercised practically that right which the Catholic church still admitted to reside in him?—I am sure, after his abdication, or his expulsion from those countries, that he did recommend, whilst in France, individuals to the Pope, which individuals were appointed to bishoprics in Ireland; and not only he, but his son after him. I could name, but I should rather not, unless the Committee required it, I could name the last bishop who was appointed by the Pope to a see in Ireland, at the express recommendation of the late Pretender.

In the former part of your evidence, you mentioned that there was a possibility of such an arrangement being made with respect to the Roman Catholic church in Ireland, in case Roman Catholic Emancipation should be carried, as would provide for the domestic nomination of the prelates?—That such an arrangement could be made, I think is quite certain; and there is nothing that I would be more desirous of.

In making that arrangement for domestic appointment, would you contemplate the election of the Roman Catholic prelate upon the occurrence of a vacancy, by the clergy belonging to the diocese, to the appointment of which he might be a candidate?—I would contemplate such election to be made by a certain portion of the clergy of the diocese in which such vacancy occurred; but I would also require the concurrence of the metropolitan and suffragan bishops of the province in which the vacancy happened to exist. I would beg to explain myself; I fear I cannot do it as satisfactorily as I could wish. I would not like that the election to a vacant see should rest with the metropolitan and the suffragan bishops of the diocese alone, nor would I like that it should be vested in the clergy of the vacant diocese, to the exclusion of the metropolitan and the suffragan bishops; but I would desire that such election should originate with a certain class of the clergy of the vacant diocese, and that before it would be sent forward to the court of Rome, that the metropolitan and suffragan bishops should have concurrence in it in a certain way.

Would you think it advisable, under that arrangement, to retain the office of coadjutor to the bishop?—That could be done if, by the arrangement, the coadjutor should be elected in the same manner as the bishop, on the vacancy of the see.

What would be the nature of the claim which, under this arrangement, the coadjutor would have to succeed to the vacant prelacy?—He would succeed upon the demise of the principal, as a matter of right, because the bull of his appointment to his coadjutorship would go, “We appoint you bishop of such a place *in partibus*,” as we call it (that is in some country where Christianity formerly flourished, but where infidelity now prevails) *cum jure successionis*; so that his election to the coadjutorship would secure to him the succession, upon the demise of the person to whom he would be appointed coadjutor.

Are the coadjutors at present bishops *in partibus fidelium*?—They are, but with the right of succession.

Supposing after the election of a coadjutor, it should so happen, in some individual case, that the coadjutor should misconduct himself, and that to such a degree, that in the opinion of the original electors he should be unfit for the prelacy, would his right of succession still be absolute, or without any control on their part?—It would be without any control on their part; but if he committed a canonical fault, he could be tried for it, and be removed from his right of succession, as he could be removed from his see.

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Where would the trial take place?—The trial of a bishop is one of the *causæ majores* mentioned in the Council of Sardis, and should be referred to the see of Rome. That council was held some thirty or more years after the first Council of Nice, and it decreed that the *causæ majores* should not be definitively settled without the concurrence of the Pope, whenever such concurrence was thought necessary by any of the parties who happened to be aggrieved; those *causæ majores* included cases where the faith was concerned or heresy broached, and also criminal accusations of bishops; so that when a bishop is accused of any crime, in the first case, if he be a suffragan, the charge can be preferred before his metropolitan; he can appeal from the metropolitan, formerly he could make such appeal to the provincial council, but as now provincial councils are seldom or never held, he can appeal from the metropolitan directly to the Pope; and that usage has obtained in the Catholic church from the beginning, and was decreed at Sardis, a little after the middle of the fourth century, and still holds good.

Then the evidence by which the person in that situation would be affected, would be remitted from Ireland to Rome?—Yes.

Would the evidence be taken upon oath?—The evidence would be taken upon oath.

Supposing a party summoned before the tribunal of the first instance, if it may be so called, the tribunal existing in Ireland refused to take an oath, would the proceedings be suspended?—In cases of that kind, we have no remedy, we are obliged to call in a magistrate, and request of him to administer an oath to the witness whom we wish to examine, and when he has done so, the witness is interrogated either through the magistrate, or by one of us.

Supposing the witness were a member of the Roman Catholic church, would he be subjected to any ecclesiastical censure, for demurring to the jurisdiction of the court?—As to a censure, I cannot say he would; but there is some remedy, there is some means whereby a witness can be obliged to give testimony in a bishop's court, what it is, as settled by the law and usage of the Catholic church, I do not at present recollect.

Before any arrangement, which provided for the domestic appointment of the Roman Catholic prelates in Ireland, could be carried into full effect, would the consent of the see of Rome be necessary?—Undoubtedly it would; because the see of Rome at present has the right to appoint, and any modification of that right could not of course be made, without the concurrence of the see of Rome.

Would the Roman Catholic priests of Ireland have it in their power to give a conditional consent to such an arrangement; the condition being, that the consent of the see of Rome should be subsequently obtained?—By all means they could.

You would still propose to reserve the institution of the bishop to the see of Rome?—Without it, he could not be a bishop in our church; he could not exercise any jurisdiction whatever, unless he received institution from the Pope.

By reserving the institution to the Pope, the Pope would still retain a discretionary power to reject the bishop who had been recommended to him, in virtue of the domestic arrangement, would he not?—The domestic arrangement would be one whereby the Pope would bind himself through a treaty, to give institution to such fit person as would be canonically elected by the persons named in such treaty. Suppose there was a *concordat*, enabling certain persons in Ireland to elect a bishop to a vacant see, the Pope by agreeing to such *concordat*, engages to give institution to all persons who may hereafter be elected by such electors as are therein defined, provided the person elected possesses the necessary qualifications for a bishop, and be duly elected.

Before any arrangement was made for a payment by the state, of the Roman Catholic prelates and priesthood, would the consent of the Pope be absolutely necessary?—By no means, I should think not at all, for that is a matter of discipline with which he has nothing to do; we can receive our support from any one that gives it to us, and of course we could receive it from his Majesty out of the goods of the state.

Supposing the receipt of a provision from the state were accompanied, as it must be, by an abandonment of any claim upon the parishioners, would it be possible to abandon that claim upon the parishioners, without the consent of the Pope?—Certainly it would.

You say the fees upon baptism and upon marriage, now payable to the priests of the Roman Catholic church, could be abandoned by them, without having the previous consent of the Pope?—They can be abandoned by them, without the consent of

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of the Pope, but there are offerings made at marriages, baptisms, and at the burial of the dead, which are a usage of the church so ancient, that I do think the clergy would not resign them; those at present are much higher than they need be, and though they are called voluntary, they are not, strictly speaking, so; these, however, are not the only or the principal dues or contributions by which the clergy are supported, there are other contributions given individually by the parishioners, which constitute the chief support of the priesthood. The contributions of this latter kind could be given up by the clergy, without consulting any one, and even the voluntary oblations at marriages and baptisms could, in my opinion, be relinquished by them; but those latter, I think they would not relinquish, because they are as old almost as Christianity itself, and they exist in every church of whatsoever kind, in every nation with which I happen to be acquainted. But the other dues, the individual contributions from the parishioners at stated times of the year, could be given up, it would be desirable that they should be given up, and the clergy might give them up without any reference or communication whatever upon the subject with Rome.

You do not think it would be desirable, in any event, to remit altogether the fees upon the performance of the rites of the church?—Upon all rites of the church, except baptisms, marriages, and the burial of the dead.

Those you would retain?—Those I would retain, because they are a universal custom; and I do not see why our church should be the only one in the world that would give up trifling contributions, which are given in every other church throughout Christendom.

By what authority are those contributions, of which you last spoke, namely, the fees upon the ceremonies of marriage and baptism, regulated?—They are regulated chiefly by usage; they are sometimes defined by a statute made by the bishop; for instance, in the diocese in which I reside, I found those contributions existing generally; but there was no uniform rule, whereby they could be regulated; and I thought it better for the poor, and also I thought I should best consult for the character and interest of the clergy, by reducing them, in some degree, to rule; I therefore regulated what they should be in most cases, and the manner in which they should be collected; in order also to prevent any thing like harsh treatment of the poor by the clergy, I prohibited, under pain of suspension, any clergyman from withholding his ministry from any person, rich or poor, on account of dues or emoluments; so that the office of the priest must first be discharged, and then the individual gives what is prescribed by usage, or by the letter of the statute.

The payment in all the parishes in the diocese of which you are the Roman Catholic prelate, is uniform?—I may say it is uniform; there may be some deviations from it; but they are very few.

In amount is it uniform?—When I say uniform, I should say there is a kind of scale, because the poor man pays nothing, the man in better circumstances pays something, and the man whose condition is still more improved, gives a little more.

If temporalities (by which is meant a pecuniary provision payable by the Crown) were attached to Roman Catholic sees, and to Roman Catholic parishes in Ireland, would it be inconsistent with the doctrine or discipline of the Roman Catholic church, to admit any interference on the part of the Protestant sovereign of this country in the appointments?—It would be inconsistent with the discipline of the Roman Catholic church to admit, in such cases, the interference of a Protestant sovereign in such appointments.

Would that arrangement, in your opinion, be inconsistent with the discipline of the Roman Catholic church, even if it had the sanction of the Pope?—Were he to give his sanction to it, I think we should oppose the matter here. I think he would not sanction it; but were he to do so, we should not agree to it; for my part, I would not: I should resign the office that I hold, rather than assent to such a thing; I would first remonstrate against it, I would remonstrate a second time against it, and if this were not sufficient to ward it off, I should certainly resign my office; and I hope there is not a bishop in Ireland who would not do the same.

You are no doubt aware, that arrangements of that nature, in cases where there are temporalities attached to preferments in the Roman Catholic church, but where the sovereign is not a member of that church, are admitted in some countries in Europe?—I know of arrangements of that kind, though I do not know the nature of them exactly; but I know there are some arrangements that seem to be

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of that kind, which have been lately entered into between the Pope and the Emperor of Russia, and also between the Pope and the King of Prussia, and I believe between the Pope and some of the lesser States in Germany, being Protestant; and also that there has been a treaty carried on for some time, between the Pope and the King of the Netherlands, having for its object such an arrangement as has been mentioned; but such treaty I believe at present is suspended, if not entirely broken off. I am not acquainted with the circumstances of the Russian empire, nor with those of the kingdom of Prussia, and therefore I can give no information as to the conduct of the Pope, in entering into such arrangement; but knowing the state of my own country, and having the religious feelings that I have, though such an arrangement were to be considered practicable by the Pope, and even wise, I should find it my duty, as an individual, to act as I have mentioned.

By interference, you mean all interference direct or indirect?—I mean all interference, direct or indirect. Were the sovereign of this realm a Catholic I should be very averse to his having the appointment of bishops vested in him; but his being of a different religion, makes me think that I could not consistently at all with the principles of my religion, consent to his having any right to interfere directly or indirectly with the appointment of bishops.

Will you be good enough to explain the state of the law of the Roman Catholic church in Ireland, with respect to marriages?—Marriages have so many relations that I cannot well understand in what sense I am to answer that question.

In what authority exists the power of dissolving a marriage?—We have no authority whatever to dissolve a marriage; once validly contracted, we recognize in no power on earth, Pope or Council, or the Church collective, any authority whatever, or power to dissolve a marriage.

Not in case of adultery?—Every bishop has the power, upon adultery being proved, to order a separation, *quoad thorum et habitationem*; but we neither have ourselves, nor do we recognize in the Pope, any power to dissolve a marriage, *quoad vinculum*; that is, the bond of marriage, according to our belief, is indissoluble.

That is, it would be impossible, under any circumstances, for one of the parties to make a second valid marriage, the other party being still living?—It never could be.

Is there no power in the Pope to give a dispensation from the general principle of the law in the Roman Catholic church?—There is no power in the Pope to dispense with a law of God or of Nature; and we consider that the law of God renders marriage indissoluble. The Greek church, and the Church of England, hold that marriage can be dissolved when one of the parties commits adultery; but the Catholic church holds that marriage, even by adultery, cannot be dissolved.

Will you be good enough to explain to the Committee, in what manner the bill, which is quite familiar to you by the name of the Burial Bill, which passed last session, has been carried into effect in your diocese?—With regard to the Burial Bill, it has not been carried into effect in any case in the diocese where I live. There has not been leave sought for from the Protestant rector, to have the funeral rites performed, except in one instance, and there the permission was applied for by the father of the deceased, which father happened to be a Protestant; but no Catholic clergyman in the diocese where I lived has at any time applied to a Protestant rector for the permission, which the Act requires that he should apply for; and therefore I may say, that the bill has not in any one instance in that diocese had effect.

Is there any objection on the part of the Roman Catholic priests, to make that application to Protestant rectors?—There is a very strong objection.

What is the nature of that objection?—It arises from feeling, I should think, because the Catholic priest conceives, that upon giving notice to the sexton or person having charge of the burial ground, that a corpse was to be interred, he ought to have a right to go there and perform such service; and he does consider, that his being obliged to make application for leave to the Protestant rector to perform the funeral service, and to have the Protestant rector fix the time when such service can be performed, the priest does conceive this to be an act of submission upon his part, from which his feelings recoil. The Act, however, I think, might very easily be so amended as to meet the views of all parties.

In what manner is the burial service performed at present?—At present we do not perform any burial service in the burial-place. The service for the dead we perform in the chapel, or sometimes in the house of the deceased, and then the corpse is taken to the burial ground, and interred without any ceremony. However,

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when the grave is about to be closed, if there be a clergyman present, he recites a short psalm, with a prayer; and if there be no clergyman present, one of the laity does this; we do not now, nor did we at any time, perform the burial service; it is merely a common prayer that we recite.

What distinction does the priest draw between the right to perform the Burial service in the church-yard, and the right to perform the Marriage service in the church; does he draw any such distinction?—I never heard him draw the distinction or make the comparison; and I have never made it in my own mind.

Do you think that one right stands upon the same footing as the other?—I do not conceive it does; our marriages in Ireland need not be performed in the church by a Protestant clergyman, we can perform them where and when we please; therefore with us, in our common ideas, the one thing and the other are not naturally joined together, nor do we naturally make a comparison between them; but we do conceive that the rector of the parish has a just and reasonable right to his church, and that he can exclude from it or admit into it such persons only as he thinks proper, except such as have an established right to go there; but we conceive that every Christian in the parish has a right to be buried in the parish church-yard; and we conceive, that as the friends of the deceased have a right to inter his corpse there, that they should also have a right to perform, either by themselves or their clergyman, such funeral rites as their faith would approve of.

You have the power, as a Roman Catholic prelate, to consecrate any ground for the purpose of burial?—I have, and have exercised it in many instances; however, I should rather much that the Funeral Service Bill were so mitigated as to meet our views, that a new line of distinction, as it were, might not be drawn between Protestants and Catholics; for though I have consecrated some church-yards, I always did so with reluctance and pain, because I thought I was thereby keeping open the separation which was too wide, between men whom I would be most anxious to see united, both whilst living, and even after death.

Have you found that there was a greater disposition on the part of the Catholic inhabitants to bury their dead in the church-yard of the parish church, even though they could not have the advantage of the religious service of the church there, than to avail themselves of the consecrated ground?—No, I have not observed it; they have a strong partiality for burying their dead in the place where their ancestors also lie: but as in our church there is a practice of praying for the dead, and as our newly consecrated grounds are always adjoining chapels, people find a consolation in burying their dead in them, because when they go to assist at mass, they can also pray for the souls of their friends who are interred thereabouts; so that one feeling as it were counteracts the other, and you scarcely know which the people would prefer.

You have stated, that you thought the Burial Bill might be modified so as to meet the views of both parties; will you have the goodness to state how you think it might be modified?—At present we are required by the Burial Bill to obtain from the rector permission to have the burial service performed, and he is to fix the time when it is to be performed; this is attended with great inconvenience, in the first place the clergyman might not be at home, or if at home, he might not be prepared to give an answer; and in the second place, if he were not an agreeable man, (and unhappily in Ireland individuals of every class and persuasion are sometimes in ill humour with each other,) he might fix a time which would be very inconvenient. All this could be remedied, if we were entitled by law to bury our dead in the church-yard, by giving notice to the sexton or person having the care of the church-yard, suppose twelve hours, or any reasonable time before the interment. It might also be enacted, that we should not bury our dead there during the time of divine service, or for some time before it or after it; that simple regulation would make the Bill, in my opinion perfectly acceptable to the Catholics; nor do I think it would trench in any way upon the rights or prerogatives or honours of the Protestant clergy.

Would you be disposed to leave a Negative to the Protestant rector?—No; because I conceive all the parishioners have a right to be interred in their parish church-yard.

Is it not the practice in Ireland, for the funeral of a Roman Catholic, even of the lowest class, to be attended by a very great number of his relatives and friends?—It was, rather than is the practice at present; for at present the people are throwing aside some of their ancient usages, and, amongst the rest, that of attending wakes and funerals in great numbers, though the attendance is still considerable.

Would not it be very difficult to place any restriction by law, upon the number

of attendants at a funeral?—They never attend in such numbers as to cause inconvenience to the parson, when they go to the church-yard; for all the church-yards are sufficiently spacious to contain and to accommodate, if I might so say, double the number that go; I do not think any inconvenience could arise from the number which might go into the church-yard.

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You have stated, that you would not be disposed to leave any Negative to the clergyman, as a matter of right, to refuse permission to perform the service of the Catholic church in the church-yard; but should not you think it convenient to leave him a negative in point of time, seeing that two burial services, one Protestant and the other Catholic, might come at the same moment; or there might be some other good reason why the service should not be performed at the time demanded?—I should be satisfied that he would have such right of negative, provided he expressed a cause; because then it would appear, that the right was not resorted to through a motive of causing inconvenience, but through one of real necessity. But as I conceive a right to exist on the part of the parishioners of being buried there, when this right is to be at all limited, I should like, that the reason why it would be so limited, were clearly expressed by the person putting the limitation.

Is not the feeling of attachment, on the part of the Irish peasantry, very strong to particular burying grounds; which particular burying grounds are frequently those attached to Protestant churches?—I think there is a strong attachment, in the minds of many Roman Catholics, to particular burial grounds; but I think, in general, those are not burial grounds attached to churches where service is actually performed.

Still the case might sometimes happen?—It might sometimes happen, but not generally.

Do you recollect an instance, in which a Protestant clergyman has refused permission, either before or since the passing of what is called the Burial Bill?—No application having been made to them within the diocese where I live, of course they could not have refused; I may have heard reports of applications being made, and refusals being given; but those reports I do not attend to; I cannot say I gave them credit.

Were any obstacles at any time, to your knowledge, thrown in the way of the celebration of Catholic funerals, by any of the Protestant ministers, previous to the passing of the Bill?—No such obstacles have been opposed in the diocese where I live, because in that diocese, we have not at any time performed the burial service within the church-yard; but were we disposed to have performed it, I do not think, from the general temper of the Protestant clergy in that diocese, that we would have met with any obstacle; for, at their hands, we have generally received kind treatment, and have had no dispute with them upon such subjects.

In other parts of Ireland, are you aware whether the Catholic ministers have contented themselves with celebrating the service in the house of the deceased, or in other places than the burial grounds?—I have not heard that in any one case the Catholic clergy were not satisfied with performing the burial service in their own chapel, or in the house of the deceased; and wherever impediments were thrown in their way, or confusion created, it was upon their reciting the prayers that I mentioned before, at the time of the interment, and not upon their attempting to perform the burial service, which I believe truly they do not attempt to perform in any part of Ireland.

On those occasions, do the Catholic clergy attend in vestments, or in any peculiar pontifical dress?—They wear no kind of vestments, or clerical dress; they appeared in short clothes, such as I now wear, or in clothes very like to them. When we do perform the funeral service according to the rite of our own church, we (that is clergymen) wear a black sutan, with a white surplice over it, and over that a stole.

Are there any instances, or have there been any within your knowledge, where the clergy have claimed a right of entering the church, for the celebration of a funeral?—I have never heard of such.

Then, in instances where the corpse of a Catholic was to be interred within the church, in a vault for instance, or within the church, as is the case with many families, the Catholic clergyman would not claim a rite of reciting the psalm or hymn, according to the usage of his own church, within the church?—I should suppose not within the church.

Have any instances occurred within your knowledge, where the time of the celebration of divine service, according to the Protestant rite, has been chosen as the time also for a celebration of a Catholic funeral in the church-yard?—Not one.

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In case of a Bill of Divorce passing, to enable a Catholic to marry again, would you consider that valid or able to hold effect?—I would consider it as valid, according to the law of the country; and I would consider the issue of such marriage as entitled to such property as might devolve upon them; and I would do all in my power, as a clergyman, to preserve such rights to them; but I would not consider the children of such marriage legitimate in the ecclesiastical sense.

In case an arrangement were made by the government, for paying Stipends to the Catholic clergy, on the understanding and the regulations mentioned by you in a former answer, is it your opinion that the Catholic clergy would decline receiving the stipend now paid to them voluntarily by their flocks, marriage fees, baptism and burial fees excepted?—The Catholic clergy are always amenable to such regulations as are prescribed for them by their own prelates; and if such provision were made, I think the prelates might be called on or invited to make such regulations for their clergy, as would prevent the latter from collecting or requiring, or receiving such contributions as have been mentioned, always excepting burial fees, offerings at baptisms and marriages.

Then the only security that the Catholic flock could receive for not being called upon by the Catholic clergy, to pay those which are called voluntary fees, would depend upon the influence and the opinion of the Catholic prelates?—Yes, the influence or opinion; but not these alone, because the Catholic prelates will have it in their power to make it obligatory on their clergy not to require, and even not to receive, such contributions; but I can also add, that if the Catholic prelates neglected to make such regulations, the people, seeing that the clergy had a sufficient maintenance without their contributions, would withhold such contributions from them, not universally but generally.

Is it your opinion that the Catholic prelates would think it right to make such a regulation?—I can only speak for myself; I would think it right to do so, and I would do so.

Do you think that it would be, in the eye of the Roman Catholic church, competent to the legislature to enact, that no such offerings should be made?—I think not.

That is a question of church discipline, which you think ought to be reserved for the prelates of Ireland?—Yes.

Would you not think it a just cause for withholding the stipend granted by law, if such offerings were received?—I mentioned, when before spoken to of the stipend, that I did not think the clergy, I spoke only as an individual, but I said that I myself would not receive any stipend whatever, unless it was secured to me by law; now, if that were the case, how could it be withdrawn when a person received those contributions. There should be a special provision, and a tribunal created, wherein the supposed offence should be tried, and there would be much machinery attending it; I would think it therefore a matter of regulation which ought not to be made by law, but which ought to be made through the other medium I have been just speaking of.

Would there be any difficulty in allowing an information to be made before the usual courts of law, of such offerings being received by any Catholic clergyman, and on such charge being proved, that the stipend should be withheld?—I think it could be done; but I think it would not be a good way of proceeding in the matter, because the other mode is very simple, and would be very effectual.

Are the dues on baptisms, marriages, and funerals, in their amount, voluntary or otherwise; that is, is the individual obliged to pay a fee of a certain amount, according to his situation in life, on each of those occasions; or is the amount of it left to his own option?—There is almost in every diocese in Ireland, a sum fixed more by usage than by a positive regulation; as to the sum to be paid when a marriage is celebrated, a pauper pays nothing at all; a person in little better circumstances pays, for instance, 5s.; one a little more advanced in circumstances, may pay 10s. very often 16s. 3d. sometimes a guinea; I do not know that in any diocese in Ireland, any person, of whatsoever rank he may be, whether rich or poor, can be obliged, by usage, to pay more than a guinea; but it often happens that an opulent person being married, gives more than that to the priest.

Is the party obliged not to give less than a certain sum?—No; he can withhold all if he pleases.

Will you state from what sources the income of a Catholic priest is derived?—The contributions by individuals residing within his parish, at particular stated seasons of the year, twice in the year.

Is the sum at each period defined and known?—Not defined; take, for instance, the head of a family who is a farmer, suppose, and whose family may consist of six or eight persons, all of whom are to be attended by the priest, such farmer pays an English shilling, which is thirteen-pence in Ireland; sometimes he gives two shillings, and if he be a person in better circumstances, that is, wealthier and more substantial, he may give 10s. about Christmas, and 10s. also at Easter; there are very few who give more.

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Will you tell the Committee how the Catholic prelates are paid?—We hold one parish, sometimes two; and we employ clergymen to perform the ordinary duties in those, we ourselves labouring to assist them as much as we can. Besides that, we receive from each clergyman in the diocese, once a year, a certain contribution; for instance, I hold parishes, one in Carlow, and the other in Tullow, in the county of Carlow; I keep three curates employed in each of those parishes, whom I am obliged to pay, and the little that remains after they are supported, I receive myself; in addition to that at Easter or thereabout, I receive from each of the parish priests in the diocese, I think about three guineas, and from each of the curates about one, and the sum total of my income derived from those sources is generally between 450l. and 500l. a year; at the same time, I may be permitted to state to the Committee, that the income of a bishop is charged with very heavy incumbrances, considering its quantity, for I am obliged to contribute to every charitable institution, to assist in the erection and supporting of schools, to feed a considerable number of the poor, and in fact, if it were not for some help which I occasionally receive from friends, I could not afford to keep a house or a servant; however, there are a greater number of poor living about me than about most others, and my income is not so considerable as that of many other bishops in the kingdom.

Is the same mode of paying the bishops, adopted in all parts of Ireland?—I believe it is the same in nearly all, except that in some dioceses, particularly in the south of Ireland, the bishops receive something like a contribution from the priest, out of the fees he receives at marriages; there is no such usage, however, in the diocese where I live, or in that of Dublin or Ossory.

Is the amount of fees paid on marriages, in the other dioceses, as far as you are informed, the same as that you state to prevail in your own diocese?—I think, in most of the dioceses it is somewhat similar; but in the dioceses in the south of Ireland, besides the marriage fees, there is a usage of what they call A Wedding Cake; I have heard of that, but I am only acquainted with it by hearsay. The nature of this usage is, that a cake is distributed in small pieces amongst the people who assist at the wedding, and each person makes an offering when he receives the cake: this sometimes amounts to a considerable sum, at other times it is very trivial; but we have no such thing among us, excepting a few parishes; it is chiefly confined to the south of Ireland, but where it prevails, it is a source of very considerable emolument.

Have you not heard that in many instances the amount of that is very considerable?—I have heard that in many instances the amount is very considerable.

To what amount, have you ever heard?—The greatest amount that I have ever heard was 40l.; I have heard that it did amount to that sum in one instance.

What is the amount of fee on a burial?—In some instances there is an office celebrated for the repose of the soul of the deceased, this office in my diocese cannot be celebrated unless at least six clergymen attend, then the parish priest is entitled to get 1l. and each of the assistant priests 10s. each, and if the person be poor only one priest attends to perform the service; at each service he generally gets 10s. and if it be the parish priest half-a-guinea, and sometimes 15s.

Is the saying of masses for the repose of the souls of the dead, a considerable source of income also?—It is on account of saying mass and assisting at the funeral that the priest receives this contribution which I have mentioned.

From what fees do you conceive the parish priest receives the larger part of his income; from the fees upon marriage, baptisms and burials, or from the Christmas and Easter fees?—From the Christmas and Easter fees much the larger part.

Can you state the average income of a parish priest in your diocese?—I could very nearly. I have classed the parishes, and I have caused a return to be made to me of the income of each; there were some large parishes in the diocese, all of which, except one or two, have become vacant since my appointment, and those I have divided; there are then at present, I believe, four parishes where the priest's income is about 400l. a year; there are, as I recollect, (I may be mistaken) fourteen parishes where the parish priest's income exceeds 200l. by something; in all the

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other parishes of the diocese I think it is less, and may amount to from 100*l.* to 200*l.*

How many parishes are there?—Forty-two.

How is the appointment to a Roman Catholic parish arranged?—When the incumbent dies, the bishop has the power of appointing any priest of the diocese to succeed to him; we have two classes of clergymen, the one are the incumbents or parish priests, and the other the coadjutors or assistant priests; when a parish becomes vacant, if it be a place where we wish a man of experience and information and pious habits of life to reside, and that we have not a person of this description amongst the curates, we take him from some other parish where he has shewn himself to be possessed of those qualities, and we appoint him to the vacant living; but if it be a parish where a person not specially gifted is necessary, we take from amongst the curates some man who has laboured for several years, and whose morals have been good, and who has a capacity for giving instruction in public, and place him there; but if a curate should at any time have been immoral or not be capable of preaching, we leave him in the rank of curate all his lifetime.

Supposing an arrangement were made for the payment, by the State, of the Roman Catholic Priesthood, it would probably be desirable to have a gradation of salary proportioned to the extent of the parish, and the duties to be performed in it?—Unquestionably it would be necessary to have a gradation, but I think that gradation should not so much be made according to the extent of the parish, and the duties to be performed, as to the parish having within it a town, or being a place where a man of better information, and of more improved habits should reside; those who live in towns are exposed to more expense, for they must dress better; they must pay a high rent for a residence, and they are obliged occasionally to entertain their brother clergymen or others, coming that way; and therefore they require a larger income. Now it may be, that in a country part, suppose a mountainous tract, the parish is of greater extent, and requires more laborious duties to be performed; but here, the priest is very retired; the priest is exposed to little or no expense; and though he has more duty, he is a man of less conspicuous character, and one whom I should postpone to the other description of persons; there should be a classification of them, but that classification should not be regulated by the extent of the parish and the duty to be performed, but by the local situation of the town or place.

Supposing that classification to be established upon the principle which you have last adverted to, do you think it would be absolutely necessary to leave to the bishop of the diocese the exclusive determination as to transferring an individual from one parish that stood low in the classification, to another that stood higher in the amount of salary?—Unquestionably so; unless all subordination were done away, as well as all power of rewarding merit and good morals; for unless the Catholic church were in some degree republicanized, it would be necessary to have a power left in the bishop, I cannot say vested in him, because he now has it, to translate individuals.

Excluding all interference, direct or indirect, on the part of the Crown or the State?—Literally so; the Crown would be annoyed if it were to be occupied with the little detail of our business; this detail would not be worth looking after, and would be very troublesome; besides, it would be impossible for any man in the government to be acquainted with the private life of individuals, or to know who was fit, or who was unfit to be appointed; for instance, I had, whilst professor of theology, the care of educating of the greater part of the clergymen of the diocese, and I am still obliged to inquire into their theological knowledge, to ascertain the manner in which they discharge their duties; to receive the reports of the rural vicars, as to their morals and conduct; so that I know as intimately the life and habits, and conduct, of every individual of the clergy under me, as a father can be acquainted with the life and habits of his own son. It is this knowledge which enables me to place each of them in that situation for which he is particularly adapted; and it must be very clear to the Committee, that no government, or agent of government, could have this information; and therefore no such agent could be as competent as I am to appoint these men to places or offices.

Should the government have the power of promotion?—I should advert to the two classes of priests we employ; the one are parish priests, the other are coadjutors; we have an arbitrary power in us to remove from his situation a curate, but we cannot suspend him without a canonical cause; that is, we cannot take from him the right of saying mass, unless upon cause shown; but the parish priests have

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have a title to their office, and from that office we cannot remove them, unless upon a charge, defined by law, being proved against them, and then we pass sentence upon them, and either reprimand them, suspend them for a time, or suspend them altogether.

Where is that cause tried?—By the bishop.

In your opinion, does not every reason for making the provision for the clergy of the Roman Catholic church inalienable, apply to the smallest parish in Ireland?—Unless you exempt the parochial clergy, in some degree from the authority of the bishop, to which they are now subject, you should make their receiving such salary depend upon their bringing with them to the person who pays them, a certificate from the bishop; that I would think indispensable; and except in that respect, the provision should, in my opinion, be inalienable in every parish.

When you say, that the salary should be irrevocable, you mean as attached to the station?—As attached to the station.

Will you be good enough to tell the Committee, what portion of the priest's income, you think is derived from the fees upon marriage, baptism, and burial, in the case of the largest living in your diocese; for instance, the income of which is 400*l.* a year, what portion of that is derived from the fees upon marriage, baptism, and burial?—I should think in that living, from burials, marriages, and baptisms, about 100*l.* a year would be derived.

Which fees you think it would not be advisable to abolish by a law, accompanying the payment of the Roman Catholic clergy?—Those fees would be greatly reduced, if there were a provision made for the clergy, because the people then seeing that the clergy had a support, would give something upon those occasions, but that something would be very small. For instance at marriages, the greater part of the people at present give something; but I am sure, if there were a provision for the clergy, and that the people saw they were not totally dependent upon those contributions, they are only the wealthy portion of them, who would give any thing at marriages. The same I might say of baptisms; and also, with some degree of limitation, of funerals. So that in that parish, where the fees derived from baptisms, funerals, and marriages, may have amounted, during the last year, to 100*l.* I am very confident, that if a provision for the clergy were made, those contributions would be diminished by one half.

Do you think, by reason of the certainty of the payment, the certainty growing out of the payment of the clergy by the state, the parish priest would be satisfied to receive a reduced income than that which he now is in the habit of collecting?—Upon my word, I do not consider myself at all competent to answer as to the feelings of the priests; for, on money matters, I am a very bad judge of other men's feelings; I feel no interest myself about money; but I know, that of the Catholic clergy, there are some who do; I should not like to answer for them.

As in any arrangement that might be made, it must be left entirely discretionary to the party, whether he would receive it or not, could the bishops compel the clergymen of their diocese to receive it?—The bishops could compel them indirectly, because the bishops could make a rule, such as I before mentioned, prohibiting generally throughout their dioceses, priests from receiving the individual contributions to which I before alluded; and no priest could, after such regulation had been made by the bishop, continue to receive it within his diocese, so that it would not depend upon the will of the priests.

Might not the bishop, at the time he appoints to a living, when the possessor of it has died off, appoint the new incumbent, upon the condition of his receiving this reduced income, which should be settled by legislative provision?—Yes, he could, indeed.

Would it be a great relief for the peasantry to be relieved from a double impost, the payment of the clergy of two persuasions?—Unquestionably.

Have you any idea of the actual number of parish priests and coadjutors in Ireland?—I believe the number of parish priests are about one thousand, and, at an average, I should suppose that each of them has a coadjutor. In some parishes, the parish priest has no coadjutor, in others, the parish priest may have two.

Are not the parishes in the Roman Catholic church, generally speaking, the same as those in the Protestant?—I might say generally so; but not universally, by any means.

Are there various unions of parishes in the Catholic church?—Various unions.

Have you ever made a calculation as to the probable amount of expense that would accrue, in making this legislative provision?—No, I could not possibly; because I could

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I could not know what it would be in the contemplation of government to give to each; I have never turned it in my mind; I have only heard it spoken of since I came to London.

You mentioned, that in filling up vacancies in parishes, the bishops selected those of their diocese whom they thought the most deserving; do you mean to say they never go out of the diocese to select?—They have a power of doing so, but I have not known any case wherein they have exercised that power; I should not consider myself at liberty to go out of the diocese where I live, because the clergymen officiating within the diocese consider, and I also consider, that they have a right to such livings as may happen to become vacant; so that to bring in a stranger, and exclude them, would in my mind be unjust.

Are they first designated for the dioceses, by performing the duties of coadjutor?—They are designated for the dioceses at the time of their ordination, which must be previous to their being appointed to serve in that capacity.

Do they always serve the office of curates or coadjutors, before they are made parish priests?—I have not known, in the diocese where I live, any priest to be appointed to a parish, till he had served for some time, I might say for some years, as curate.

Is there a chapter in your diocese?—There is no chapter in my diocese.

Are there chapters in many of the Catholic dioceses?—There are.

Does the bishop name to the offices in the chapter?—To all offices, except to that of dean.

Who names to that of dean?—The Pope appoints to the office of dean.

Is not the office of dean in general attached to a particular parish in the diocese?—Not attached to a particular parish generally.

Have the bishops in Ireland, who are appointed by the Pope after domestic nomination, been nominated in Ireland by the chapter, or by the inferior clergy?—In no case have they been nominated or appointed by the chapter alone; but they have in some cases been elected by chapters, and then they have been recommended by the metropolitan and suffragan bishops of the province in which the vacancy existed. In other cases, such persons have been elected by the parish priests of the vacant diocese, and the metropolitan and suffragan bishops concurred in the election; in other places, they have been elected by all the serving clergy of the vacant diocese; and the person so elected by those clergymen, has afterwards been recommended by the bishops; for instance, I was recommended to the See of Rome by the parish priests of the diocese in which I live, and by the metropolitan and all his suffragans.

Do you mean the recommendation of the metropolitan and all the suffragans followed the recommendation by the parish priests?—They happened, in my case, to be, as it were, simultaneous; the metropolitan and suffragans resolved to recommend me to the Pope, and this resolution they adopted and signed; but knowing that the clergy were about to assemble, to elect a person, they kept the matter secret till such election did take place: the clergy assembled, and they also elected me; their instrument of election was placed in the hands of the metropolitan; he transmitted it to Rome, with that of himself and suffragans, and the appointment followed.

When you state, that objection would be felt to any interference of the state in the nomination of Catholic bishops, either directly or indirectly, do you mean to say, that any objection of a similar kind would lie against making it imperative, that no bishop could be made in Ireland, except he received his nomination from one or other of those bodies?—I should have no objection to that; on the contrary, I should be glad of it.

To reserve to the see of Rome the power of institution only?—The power of institution, in this way: in Ireland, they do not elect one only; they transmit always to Rome the names of three persons, so that the Pope has the power to choose between them; the names of the persons elected are placed one after the other, on a piece of paper, and he has, in every instance, appointed the person whose name happened to be at the head of the list: however, I have stated before, that the Pope has the power to appoint, independent of that recommendation; but we would be glad, that the right which we now exercise, by courtesy or usage, were secured to us by a *concordat*.

Has not he done so, in some instances, among the Irish prelates?—Certainly not.

Was

Was the present Catholic primate elected by any body in Ireland?—He was, I believe, recommended to the see of Rome by every Catholic bishop in Ireland, except one.

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Was he a bishop in Ireland before he was appointed?—No; he had been at the Irish college at Salamanca previous to his appointment; upon the breaking up of that establishment, he returned to Ireland; and after he had been here between one year and two, (the see of Armagh happening to be vacant at that time,) the prelates in Ireland, with many of whom he was acquainted, considered him a very fit and proper person to fill that vacancy; and as they had a meeting at that time in Kilkenny, upon some business, I believe to protest against a Rescript which came from Rome, signed by some officer there, called Quarantotti, with reference to a negative power in the Crown to appoint to bishoprics in Ireland; I think it was there, I do not speak positively, that the bishops agreed to recommend Doctor Curtis as a proper person to fill the see of Armagh; and as there were some bishops not then present, these were applied to, and they allowed their names to be affixed to the instrument: it was upon that recommendation that the present Catholic primate was appointed.

In that rescript you allude to, was not the power of the Crown to interfere with the nomination of bishops, recognized as not inconsistent with the discipline of the Catholic church?—It was recognized by a man who outstepped his authority, by this Quarantotti, who was incompetent to decide upon a matter of so much moment; but though it had happened to have proceeded from higher authority in Rome, we would have acted as we did; that is, the prelates would, for I was not then a bishop; they would have remonstrated as they did.

How long have you been a bishop?—Unhappily too long, for my own peace; six years.

Are the Committee to understand from you, that this rescript of Quarantotti's did not come from the see of Rome?—It did come from the see of Rome, but the Pope at that time was prisoner in France, and he vested his spiritual jurisdiction in several individuals in Rome, first in one and then provisionally in others; so that in case the first and second and third happened to be removed by the French from Rome, some person might remain to administer the affairs of the church; the first individual, and I believe the second, who were entitled to do so, were removed by the French; this Quarantotti, who was an obscure individual at that time, happened to remain; he had those powers, and began to exercise them, and not being at all acquainted with our affairs, gave this rescript, upon an application being made to him by some interested person; and as soon as we received it, we protested against it.

He was a Cardinal, was he not?—He was afterwards appointed Cardinal; he had some merit with the Pope, but his appointment was not the reward of his conduct towards us.

What rank did he hold in the church at that time?—I do not know exactly; I believe he was what is called A Roman Monsignore; he was attached to some collegiate church, or held some situation in a public office.

But although you state what your own objections would be, and the unanimous objections of the Irish prelates to such a rescript, you are aware that the principle of that rescript has been acted upon in the *concordats* which have taken place between the Pope and the Protestant states; that it is a doctrine recognized by the see of Rome itself, in treaties it has made?—I stated, with reference to the Pope treating with the Emperor of Russia and the King of Prussia, that I am unacquainted with the circumstances of their countries, or the motives which influenced his Holiness. I can therefore neither approve or disapprove of what may have been done, but as regards my own country, I am quite decided.

Was not the principle upon which that rescript of Quarantotti's was founded, the principle to which you say the Catholic prelates would object?—Being ignorant of those treaties, and the provisions of them, I cannot say whether the principle was the same or not.

Is not the general principle in that rescript, the interference of a Protestant sovereign in the appointment of bishops?—Circumstances affect principles, so as almost to change them in their operation; I could not therefore recognize the principle, because it may be so modified, as to be changed altogether in its operation, from what it would be, in the view we take of it, as regards our own country.

Do not you think, there might be great objections to making the appointment to Roman Catholic prelacies in Ireland an elective appointment?—Yes, it is upon that

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that account I hesitated so much to answer a question that was put to me, because knowing well as I do, from the history of the church, the great evils which arise from the right of election being vested in bodies, if such a right of election were settled regularly by *concordat*, it should be liable to checks; and in fact such as would descend very minutely, both into the quality of the electors, and the number and description of them; but that is a matter which would depend upon the prudence of the persons arranging such *concordat*, about which I might never be consulted; therefore, feeling as I do, that it is a subject of great difficulty, and one of which I myself would be scarcely able to treat, I should much rather withhold the opinions I entertain about it.

The Committee infer from your last answer, and from a former answer, that you think this arrangement could only be satisfactorily made by a *concordat* with the Pope?—I think so, but I think such *concordat* could be most easily made; and I should be most anxious that it were made, because it would secure to us always a domestic prelacy, and it would remove from us the possibility of the Pope ever interfering more than he now does in the appointments to our church.

Do you think that the Catholic church of Ireland is more or less independent of the Pope, than other Roman Catholic churches existing in other countries?—I think we are more independent in a certain way, and more dependant in another. We are more independent, because the Pope does not at present, and he could scarcely presume to nominate any one except such person as we recommend; we are therefore very independent, because we have the election of our own prelates in our own hands, and it would be morally impossible to take from us that right. But we are more dependent than other churches, in another way; for instance in the church of France, the king has the appointment of the bishops, the Pope has only the power to give institution; there the church is national, the appointment being in the hands of the sovereign. We are more dependent therefore than the French church, because the Pope has the naked right of appointing in our church, without consulting us; and though I say it would be morally impossible for him to exercise that right, yet I think it an evil that he has it; and his having it, makes our church in that sense more dependent upon him than the church of France is, because there the Pope is obliged to give institution to the person, if found fit, who is recommended by the sovereign.

TENTH DAY.

Veneris, 18^o die Martii 1825.

LORD BINNING

IN THE CHAIR.

The Right Reverend *James Doyle D. D.*, Titular Bishop of Kildare and Leighlin, again called in, and further examined.

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IN what and how far does the Roman Catholic profess to obey the Pope?—The Catholic professes to obey the Pope in matters which regard his religious faith, and in those matters of ecclesiastical discipline, which have already been defined by the competent authorities.

Does this obedience detract from what is due by the Catholic to the state?—Not in the slightest degree; on the contrary, as the laws of God, which the Pope does enforce amongst Catholics, ordains that we should pay obedience to the existing government of the country where we dwell, so the obedience we owe the Pope, only tends to confirm us in our allegiance to such government.

Does that justify the objection that is made to Catholics, that their allegiance is divided?—I do not think it does, in any way; we are bound to obey the Pope in those things that I have already mentioned; but our obedience to the law, and the allegiance which we owe the sovereign, are complete and full, and perfect and undivided, inasmuch as they extend to all political, legal and civil rights of the King, or of his subjects. I think the allegiance due to the King, and that due to the Pope, are as distinct and as divided in their nature, as any two things can possibly be.

Is the claim that some Popes have set up to Temporal Authority, opposed to Scripture and Tradition?—In my opinion, it is opposed to both.

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What is your opinion respecting the conduct of those Popes who have interfered with states, and extended their pretensions to the civil business of men?—I do not like to speak harshly of men who have already passed out of this world; but I think that the Popes who so acted, have done much mischief, and very often have acted upon a power, or upon an authority, which they had no right to exercise; however, when Popes did interfere with the civil business of men, or with the temporal rights of princes, I find that in almost every instance in which such interference occurred, that they professed to act upon rights, which they had acquired by compact or cession, or some act upon the part of those sovereigns, or those countries, with which they so interfered; and I do not find that that interference was grounded in almost any case upon their spiritual authority only.

Are those rights you allude to, temporal rights?—The rights to which I allude, are temporal rights, which were acquired by the Popes from time to time, chiefly during the feudal times.

Do you mean, by princes transferring to Popes their kingdoms, or parts of their kingdoms?—Yes, by kings and princes making their states tributary to the holy see, or resigning them into the hands of the Pope, and then accepting of them back again, as fiefs of the holy see; thus the Pope was considered by them as the lord paramount of the kingdom, or dukedom, or principality; and he acting upon this supposed right thus acquired, sometimes attempted to depose the princes, or to absolve the vassals of such kingdoms from the allegiance which they owed to their immediate lord.

Were those claims of the Popes opposed in Europe?—Opposed they were; and the consequence of such opposition were many and very bloody wars; the kings of France contended against the Popes; the emperors properly so called, I cannot call them emperors of Germany, for they were the sovereigns of the Roman empire, contended with the Popes; the kings of Naples have had, from time immemorial, disputes upon those grounds with the Popes; and there was scarcely a Catholic sovereign in Europe, who at one time or other, did not contend with his contemporary Pope, upon this very ground.

Did every Pope justify his claim to temporal interference, upon some previous right conferred upon him by a prince of some European country?—As far as I am acquainted with the history of such claims, put forward by the Popes, they rested them upon such temporal rights, previously acquired by themselves or their predecessors, with the single exception of, I think, Boniface the Eighth; and he in a contest, as I recollect, with some king of France, includes in a brief which he issued, a declaration that he did so by an authority vested in him from above. The terms of this declaration were vague and general, and seemed to me, when I read it, to imply that it was not in virtue of the temporal authority he had acquired, but in virtue of his spiritual authority, that he attempted to act as he then did. This is the only instance of the kind which has occurred to me in my reading.

Does the Pope, at present, dispose in any way of temporal affairs within the kingdoms of any princes on the Continent?—The Pope at present does not interfere, or attempt to interfere, with the temporal concerns of any kingdom in Europe; to this, perhaps, there is an exception with regard to the kingdom of Naples; but I believe a *concordat* has been entered into in the time of the late Pope, between the then government of Naples and the Pope's minister Cardinal Gonsalvi, wherein the ancient claim or claims of the Roman see to the kingdom of Naples, as a fief, were laid aside, and some equivalent for it accepted. It was customary for the King of Naples, as a mark of his holding that kingdom as a fief of the holy see, to send, amongst other things, a white poney or palfrey once a year to Rome; whether that custom is still continued I cannot say; but I know an arrangement has been entered into, which has settled differences which subsisted very long, and troubled both courts very much. Let me repeat, that the case of Naples is the only one in which the Popes of Rome have, for the last three centuries nearly, interfered in any way directly or indirectly with the temporal concerns of any state in Europe; and I add, that if they were to attempt so to interfere at present, the interference would not only be disregarded, but scoffed at by every person of sense.

Do the Catholic clergy insist, that all the bulls of the Pope are entitled to obedience?—By no means; the Pope we consider as the executive authority in the Catholic church; and when he issues a bull, enforcing a discipline already settled by a general council, such bull is entitled to respect; but he may issue bulls which would

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would regard local discipline, or other matters not already defined, and in that case his bull would be treated by us, in such manner as it might seem good to us. For instance, did it trench upon our local discipline, we might treat it as we did the rescript of Quarantotti, about which I was questioned here the other day; did we find that it was unreasonable, we would refuse to accept of it; I have already spoken of his authority in matters of a purely spiritual nature.

In the creed of Pope Pius the Fourth, there are the following words: "I promise and swear obedience to the Roman bishop the successor of St. Peter;" what is the proper meaning of those words?—Of course, that we would obey him in those things to which his authority extends; namely, spiritual matters or the execution of decrees regularly defined by general councils and accepted of by us, for they are not all the decrees of even general councils which are received in each kingdom; for instance the decrees of the Council of Trent, regarding discipline, are not received in the kingdom of France; the decree of the Council of Trent, regarding a particular discipline, is not received in the province of Dublin in Leinster, though it is received in the other parts of Ireland; all the decrees then even of general councils, much less all decrees of the Pope, cannot have force unless they are received formally by the nation which they regard, or whose discipline is affected by them; each church has its rights, and those rights cannot be subverted or affected by any proceeding on the part of the Pope, without the concurrence of the hierarchy of such church.

If the Pope were to intermeddle with the rights of the King, or with the allegiance which Catholics owe to the King; what would be the consequence so far as the Catholic clergy were concerned?—The consequence would be, that we should oppose him by every means in our power, even by the exercise of our spiritual authority.

In what manner could you exercise that spiritual authority?—By preaching to the people, that their duty to God as Catholics required of them to oppose every person who would interfere in any way with that right, which the law of Nature, and the positive law of God, established in their prince, a prince whom we as subjects were bound to support; we would therefore exercise our spiritual authority, by preaching the gospel to the people, and by teaching them to oppose the Pope, if he interfered with the temporal rights of our king.

Is it well known, what the things are in which the Pope cannot interfere?—Unquestionably; in all things of a political or civil nature, he cannot interfere; there are some matters of a mixed nature wherein he may be considered as having some power, such for instance as marriage; this we consider as a sacrament, and also as a civil contract; the power of the Pope, or of the bishop, extends to the spiritual qualities and effects of that union, notwithstanding the temporal character of it; but the temporal effects which flow from it, are subjects of the civil law. If the Pope then, or any person connected with him, were to interfere in those temporal matters which are closely connected with spiritual things, in the contract of marriage, they would be outstepping their proper boundary, and no regard should be paid to what they would do, or say or ordain; their authority can affect only the spiritual rights which would result from such marriage.

With respect to Marriage, the Committee believe that, according to the doctrine or the rule of your church, certain marriages might be held as forbidden by the degrees of consanguinity, which according to the doctrine of our law, are not so?—Yes.

In a case of that kind, the marriage being valid according to the law of the land, you might hold the party living in a state of sin, if he cohabited under such circumstances?—I should indeed.

Under those circumstances the issue of the marriage would be legitimate by our law, though the cohabitation would be sinful according to your doctrine; would you conceive that in consequence of your church holding the cohabitation sinful, the civil rights of the issue could in any degree be affected?—I hold that they could not.

Does this state of the case in regard to marriage, produce any notable inconvenience?—I do not find that it does; we have an experience here of two centuries and upwards; I mean in Ireland, where the ecclesiastical law differs from the law of the country; yet I have not in any one instance known or even heard of a case wherein any notable inconvenience resulted from the present state of things.

Could the matter be arranged without difficulty, so as to get rid of this discrepancy?—I should think so, with great ease; in fact, the Pope, by my stating to him for instance, that a marriage was contracted within the prohibited degrees of kindred, but which marriage was reputed valid by the established law, would immediately

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immediately grant power to dispense in that case to marry the parties, and so render the marriage lawful in the eye of the church as well as in the eye of the law; this is done sometimes.

Do Roman Catholics pray to Saints?—We pray that the Saints would pray for us to God; we address ourselves to the Saints, and beg that they would pray to God for us; but we do not pray to them so as to ask of them any favour or grace, because we know they have no power of themselves to grant us such favour or grace; and that there is only one mediator between God and men, the man Christ Jesus.

In what sense do Catholics pray to the Virgin Mary?—In the same sense as they pray to other Saints.

Do Roman Catholics believe there is any divinity in Images and Relics?—They believe that there is not any divinity or virtue whatsoever in images; as to relics, they reverence them more than they do mere images.

What is the doctrine of the Roman Catholic church respecting Absolution?—The doctrine of the Roman Catholic church respecting Absolution is precisely the same as that of the Established church in this kingdom; so much so, that the words of absolution which we use, are precisely those put down in the visitation of the sick in the Common Prayer-book, to be used by a clergyman of the Established church, when he visits a person who wishes to confess his sins. Our doctrine then is, that the sinner, feeling that he may in his lifetime have transgressed the law of God, and being penitent for it, acknowledges his fault to a priest as to a minister of religion, and being sincerely sorry within him for having so offended God, by transgressing his law, the priest, by a power derived from God, gives him absolution or pardon; always requiring of him that he do every thing in his power by amendment of life to satisfy for his past offences, and if he should have injured his neighbour in person, character or property, that he repair such injury to the full extent of his power.

Is there any difference between the doctrine of the Catholic church and that of the Protestant church, with respect to absolution?—I really know of none; I am sure the Established church requires, as we do, that the person making a confession of his sin, be sorry or contrite for it; the words of the absolution, which the priest of the Established church uses, are precisely those which we use; so I see no difference between the one and the other.

What is the doctrine of the Roman Catholic church, with respect to Indulgences?—Our doctrine, with regard to Indulgences is, that a person who may have offended against God, or his neighbour, having done every thing in his power to satisfy for his fault, that such person, by gaining an indulgence, is thereby assisted and relieved from such temporal punishment as God in his justice might inflict upon him, either in this life, or hereafter in purgatory, previous to his admission into heaven.

What authority has the Catholic writer Gother, among Roman Catholics?—Gother is esteemed by us a very venerable writer, and perfectly orthodox in all that he has written.

The Committee find, in a treatise called “A Vindication of the Roman Catholics,” the following curse, in a statement of curses; first, “Cursed is he that commits idolatry, that prays to images or relics, or worships them for God;” is that a doctrine which is acknowledged by Roman Catholics?—That is our proper doctrine, and I, and every Roman Catholic in the world would say with Gother, accursed be such person.

Further, it states, “Cursed is every goddess worshipper, that believes the Virgin Mary to be any more than a creature, that honours her, worships her, or puts his trust in her more than in God; that honours her above her Son, or believes that she can in any way command him;” is that acknowledged?—That is acknowledged; and I would say the same of that as I did of the former.

It then states, “Cursed is he that believes the Saints in heaven to be his Redeemers, that prays to them as such, or that gives God’s honour to them, or to any creature whatsoever;” is that acknowledged?—So, I say, accursed be any person that does so.

It then further states, “Cursed is he that believes priests can forgive sins, whether a sinner repents or not; or that there is any power in earth or heaven that can forgive sins, without a hearty repentance, and a serious purpose of amendment?”—I most cordially coincide in the expressions used there by Gother, and so will every Catholic clergyman in the world.

It is then stated, “Cursed is he that believes there is authority in the Pope, or any other, that can give leave to commit sins, or that can forgive him his sins, for

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a sum of money?"—A frightful and impious doctrine, and most accursed is he that holds it.

What is your opinion of the indulgences granted by the Pope to certain churches, upon occasion of the holy year, which appear to the Committee to come within the description of that which you conceive to be not consistent with the sound doctrine of the Romish church?—I am certain, that the Pope, upon this matter, thinks as we do, for he is a divine of the Catholic church, and so is Gother, and so am I; our rank is different, but our doctrine, upon that subject, surely is the same; I never found any diversity of doctrine amongst Roman Catholic divines upon that subject; there is a phraseology in their writings which might mislead persons not acquainted with their science; for instance, Saint Paul, himself, has sometimes given the name of sin to that which is not sin, but which was connected with it; as when he says, that our Redeemer was made sin for us; it is in like manner said, in the holy Scripture, "*Peccata populi mei comedent*;" "they shall eat the sins of my people," meaning the offerings for sin. Now, in the indulgences, it is sometimes said by the Pope, that he forgives the sin; that expression might lead into an error: but the meaning of it is, that he forgives, as far as in his power lies, the temporary punishment due to the sin, after the guilt of it has been remitted upon true repentance by the sinner; or in other words, after the guilt of the sin has been remitted by God, upon the repentance of the sinner.

Are there any words in the indulgences, as they are published, which would give the world a notion that they are to be understood with those qualifications?—I think that there is no Catholic at all who misunderstands the language in which indulgences are granted, because in all our books of prayer, which are in the hands of every Christian, the sense that I have now given, is clearly expounded; and the priests in their exhortations, when they do publish indulgences of any kind, take care to impress strongly upon the people, that such indulgence cannot be obtained, unless they heartily repent of their sin, obtain pardon of the guilt from God, and do all in their power to make atonement for it by good works.

Are there any words to that purport, in the indulgences themselves?—I mentioned upon that subject all that I can say; there may be in some indulgences, obscure expressions which might mislead those who do not understand the matter as Catholics do; but I said, that upon the subject of indulgences those proclamations or bulls or whatever they may be called, are not misunderstood by any Catholic of any rank or condition or country; that I distinctly stated, and I also, as I supposed, stated the reasons, namely, because the true explanation of the matter is found not only in every prayer book, but is constantly explained and inculcated by the clergy in their exhortations from the altar or pulpit, so that an error upon the subject is morally impossible; nor did I ever know in my life any one of any class or description, who laboured under the error, that an indulgence implied the remission of sin.

Will you describe to the Committee, the nature of an indulgence?—We conceive that when a sinner heartily repents, he obtains from God, through the sacrament of penance, a remission of the guilt of the sin which he may have committed; but after such his guilt is remitted, we believe that a temporal punishment may still remain to be inflicted on him; for instance, when David committed the crimes of adultery and murder, he was rebuked by the Prophet Nathan, and upon being rebuked, he repented sincerely, and exclaimed, "I have sinned against the Lord;" upon which the Prophet replied, "notwithstanding because thou hast done this thing, and caused the enemies of the Lord to blaspheme, the child which has been born to thee shall die the death." Here then we see that God Almighty may remit the eternal guilt of a sin, as he did to David, after he had declared I have sinned against the Lord, but yet that there may remain a temporal punishment to be inflicted afterwards by God, in order that he may show to the faithful at large, who often are scandalized by the sin, his justice as well as his mercy. We conceive that this providence of God has not been confined to the ancient, but that it is extended also to the new dispensation; for we find Saint Paul telling the Corinthians, that the unworthy communions of some were the cause why many were sick and some died amongst them. From this then we infer, that though the Almighty may remit to the contrite heart the guilt of sin, he may yet punish even under the new law, by temporal afflictions; and we do believe, that an indulgence granted by the church and obtained by the sinner, relieves him entirely or in part from such temporal punishment as may remain hanging over him, after the guilt of his sin may have been wiped away.

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Does the indulgence insure that forgiveness to the penitent?—It does not insure such forgiveness to the penitent, it only gives him a hope, that through the merits of Christ, and the united prayers of the faithful in the church, God may be propitious to him by the means of the indulgence.

Does it not also relieve the sinner from any penance imposed upon him by the church, in consequence of the commission of sin?—So far from relieving him from the penance enjoined on him by his confessor, unless he perform, or be resolved to perform such penance, he cannot obtain the indulgence; it is a help to his infirmity, but by no means a dispensation from performing all that is in his power to move the mercy of God.

Were there not very long periods of penance imposed for the commission of certain offences, at any early period of the church?—There were.

Was not the system of indulgences one of the means of avoiding the extraordinary length of those penances?—No; the extraordinary length of those penalties was done away in the church, when the corruption of the morals of Christians became very great; the discipline which enjoined such prolonged penances became too severe for our infirmity, and they went therefore into disuse; but in some indulgences it is said, that an indulgence of seven years, or of so many quarantines, is granted; and this seems to have reference to the ancient canons, and is to be understood thus, “We grant you by this indulgence an exemption from performing that public penance of seven years, or forty days, which, had you lived in the time when the ancient canons were enforced, you would have been obliged to perform.”

Is it any part of the doctrine of your church, or has it been any part of the practice of it, that those indulgences should extend to the remission of the temporal consequences, with respect to crimes to be committed?—Never at any period.

The reason you were asked that question is, because the Committee are aware that a vulgar error has prevailed upon that subject?—Yes; it is a horrible imputation.

In the case you have mentioned from Saint Paul, you described Saint Paul as saying, that in consequence of unworthy communion, many became sick and died?—He says there are many infirm and many weak, and I believe some have slept, but he distinguishes the different classes.

Those infirmities the Committee understand you to describe as the temporary penalties of sin; do you think that an indulgence can relieve from such infirmities as those which you describe as the temporary penalties of sin?—I conceive, for instance, that the Almighty, upon the repentance of a sinner, might forgive the eternal guilt of such unworthy communion as the apostle alludes to; but notwithstanding that the guilt had been remitted by God, yet such individual might be afflicted with sickness; and I do conceive that if, upon the remission of the eternal guilt by God, this person availed himself of the indulgence which the church might grant, the Almighty would relieve him from that sickness, which otherwise might fall upon him.

Do you think that an indulgence could avert sickness resulting from the wrath of God?—I think that an indulgence, such as I have mentioned, might avert such sickness.

Is there any distinction between plenary and other indulgences?—There is; an indulgence may be for some years, as I mentioned, or it may be for a quarantine or more quarantines than one (a quarantine signifies forty days), or it may be a plenary indulgence; the meaning of a plenary indulgence is, that the church thereby grants as full a remission of the temporal punishment or penance due to a sin, as it is in the power of the person granting the indulgence to bestow. These are not my words, but the words of a Pope, I think one of the Bonifaces, in an explanation which he gave of the word Plenary Indulgence.

What is the utmost extent, in point of duration, of an indulgence?—I believe seven years; there were many fictitious or forged indulgences (crowds of which were carried about the world, and which were not at all authentic) for I believe a greater number of years; but we do not recognize, and have not, that I know of, ever recognized any indulgence for a period beyond that of seven years, when time is at all specified.

The Sale of Indulgences used formerly to be a topic of imputation against the Catholic church; does any such practice exist at this time?—I believe it ceased in the sixteenth century. The consequences of it then were so frightful as to put a total end to it; nor has it been since revived, and I hope never will.

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The Committee wish to know, whether every priest has the power of absolving in every case?—A priest, by his ordination, receives what we call a radical power, whereby he can absolve from sin; but besides this power, which belongs to him in virtue of the order which he receives, he must get jurisdiction from the bishop to absolve individuals, otherwise he cannot absolve any one. Now the bishop, in granting such jurisdiction to him, which he may grant either as to extent of territory or as to individuals, may restrict the power of absolution to a certain class of sins, or he may give power to the priest to absolve the contrite sinner from any sins he may be guilty of, with the exception of certain sins which he specifies, and those are called in our language Reserved Cases; for instance, in a case of deliberate murder. If a man who had committed deliberate murder in the diocese where I live, where to repent as deeply and sincerely as David did, no priest in it could absolve him, unless by special leave communicated by me. We reserve the absolution from those grievous crimes to ourselves, for the purpose that sinners who are so unfortunate as to commit them, might come before us, and receive such reproofs and such penances to be performed, as would in some degree secure their amendment; and we would fear, that if we left it in the power of ordinary priests to absolve from such grievous offences, that they might not be so provident in the exercise of that power as the bishop himself would be; that is the nature of reserved cases, and these are the grounds upon which certain cases are reserved.

Are there any cases reserved to the special jurisdiction of the see of Rome itself?—I believe not; there is no case whatever, that I know of, from which the bishop in this country has not the power to absolve. How the Pope treats the matter in his own territory, or in Italy, I cannot say.

In cases in which the priest has the power to absolve, is not his absolution as complete as that of the bishop himself?—I take it to be as perfect as that of the bishop or of the Pope.

Does the priest absolve of himself, as by authority devolved on him by God, or is he merely the instrument of declaring God's pardon to a sinner?—He is more; he absolves by authority which we believe has been committed to him by God; the words of the absolution imply as much, as you may see in the Common Prayer Book.

Is that absolution direct and absolute, or is it conditional, upon the repentance and making atonement on the part of the sinner?—In the form in which it is pronounced it is unconditional and absolute, but it cannot take effect if the penitent be not contrite; but that is his affair; we cannot see the secrets of hearts.

In cases of confession and absolution, is it not the duty of the Roman Catholic clergy, wherever they can, to induce the offender to make restitution and atonement to those whom he has offended in this world?—It is so much their duty, that they cannot at all grant absolution, unless the man actually has made, or engages most solemnly, and as it appears to them, most sincerely, to make as soon as possible, and to the utmost extent of his power, full reparation for any injury he may have done to the person, character, or property of his neighbour.

Have the instances of reparation and restitution, which have taken place within your knowledge, been numerous?—Numerous beyond the power of counting; and they are occurring almost daily. Every gentleman resident in Ireland, must well know what a common practice prevails there, of a priest coming and giving money to individuals, and telling them, "This is money which is restored for an injury that has been done to you;" he cannot however tell the name of the person by whom the injury has been done, or any thing more about it. We clergymen frequently do this ourselves, but the reparation is much more frequently made in private, by the person who did the injury; we only become the channel through which it is made, where we find that the party concerned cannot make it without exposing himself to be known, to which we do not oblige him.

It must frequently occur, that a person comes before the priest, who has been engaged in plans for doing mischief, either public or private; what is the uniform conduct of the priests in your church, in such cases?—Our uniform conduct is, to oblige such person to withdraw himself from any wicked society of men with whom he may have been connected; to make reparation to the full extent of his power, for all the injuries which were done by him, or by the party with which he was associated; for we conceive, that a man is bound not only to repair the injury which he himself committed, but also the injury to which he had been a party; the many ways in which a man becomes obliged to make reparation for injuries not done directly by himself, are comprehended in a verse, which is found in our theology:

"Jussio

"*Jussio consilium consensus palpo recursus participans mutus, non obstands, non manifestans.*" If a man concur in any of those ways to the doing of an injury, he is bound to repair it as an accomplice, in the default of the principal.

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In cases of mischief intended to be done, either to the public or to an individual, would not every priest of your church feel it his bounden duty to prevent that mischief being done, without disclosing the name of the individual, by apprising either the state or the party to whom the mischief is intended to be done?—We can make no use of any knowledge derived from confession; but it is uniformly our practice to dissuade the penitent from the intended crime; and I myself have frequently prevented the commission of mischief, by obliging the person who felt compunction at being concerned in plotting some evil, not at first to inform, but to dissuade his companions from doing the intended wrong; if he did not effectually succeed thus, then by obliging him to warn the person concerned of the danger, or to give such information to him, or to a magistrate, or other proper authority, as would effectually prevent the intended evil.

Did not you, in the commencement of the late disturbances, publish a pastoral letter, warning your flock from entering into any of the illegal confederacies of the day?—I did.

Do you know whether that pastoral letter was reprinted and circulated by any, and what of the public authorities in Ireland?—I have heard that it was, but I do not know it of my own knowledge; I heard, 'tis true, and in a kind of way in which I could not be deceived, that there was an edition of it published in Cork, by the gentleman who commanded His Majesty's troops in that quarter; I believe there was an edition of it also in Galway, by some of the public authorities in that town; whether there was one in Dublin I do not know; but I know that printers, for their own profit, did publish a great number of them.

In the event of the introduction of any of those illegal conspiracies into any part of the country, was not one of the earliest signs of the existence of those disturbances the absence of the peasantry concerned in them from confession?—Yes, it was; the persons who entered into conspiracies of that kind, uniformly absented themselves from confession. I should say, however, that the pastoral letter to which the Committee allude, could not have had much effect if it had not been sustained by the personal exertions of the clergy; it was not only by publishing that pastoral letter, that I endeavoured to check the evil which prevailed in that part of the country, but I also spent several weeks, going from parish to parish, and preaching to multitudes of people in the chapels, and sometimes by the way sides, against the society in which they were engaged; pointing out to them, as well as I could, the unlawful nature of it, its opposition to the law of God, and to the laws of the country, as well as the evil results with which it was fraught if persevered in.

What society do you allude to?—The society of Ribbonmen.

Do you know any instances in which the Roman Catholic clergy, following the same course that you have described with regard to yourself, were in consequence exposed to any personal danger?—I do; a clergyman, even in my own diocese, was put in peril of his life, and I was obliged to remove him from one parish to another, through a strong apprehension which he entertained, and in which I also participated, that if he continued in the parish where he laboured to check this evil, he might be assassinated.

Do you know any instances in which, in consequence of such opposition as you have described on the part of the Roman Catholic clergy, surrenders of arms have been made, to any considerable extent?—Yes, nothing more common; there was scarcely a parish where there had been many seizures of arms, where such arms were not, either entirely or in part, delivered up to the clergyman, and by him or by his directions, to the magistrate, for he very often did not receive the arms himself, but directed the person to surrender them to the magistrate.

Have there been any other efforts made of another description, by you in your diocese, to convey moral and religious instruction to your Roman Catholic brethren?—I have not ceased, during the few years I have been bishop, to promote education of every kind, but particularly of a religious kind; for this purpose I have frequently required of the clergy to seek to raise contributions amongst the people, for the purpose of building schools and assisting to pay schoolmasters, where the peasantry were not able to pay them for educating their children. I have sometimes, upon the death of a parish priest, kept the parish vacant for some time, and have taken into my own hands what of the dues could be spared, after supporting the assistant priest, and applied those sums for the building of schools;

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besides which, I have established in every parish within the two dioceses of which I have the care, parochial libraries, which I have had stocked with books of religious and moral instruction exclusively; those books are given out to heads of families, upon their paying a penny a week or a fortnight for the use of them; they are given to the poor *gratis*; when a man has read one of those books, he returns it to the librarian upon the Sunday; he then gets another, and thus every class of people in the diocese are instructed in their moral, social, and religious duties.

Will you have the kindness to state to the Committee, whether Gother's Gospel, Reeve's History of Christ, Chaloner's Morality of the Bible, and other books of a similar description, are amongst the books in those libraries?—The books that have been named are found, I believe, in every library within my diocese; all these libraries consist of books of a religious nature exclusively; for I do not admit into them any profane history, or any political tract, or any book of science unmixed with morals.

Have there been any societies established within your diocese, called Confraternities, for the purpose of administering religious and moral instruction to the poor?—When I came into that diocese, I found a few such societies existing in it, but from the advantages which I perceived to result from them, I myself recommended, at the several visitations I held in the chapels, in the strongest and most earnest manner, that such confraternities should be formed; and I do not know that there is at present any one chapel in the diocese, to which there is not a confraternity of the Christian doctrine, as we call it, attached. These confraternities consist of young men and young females of a religious character, who assemble at an early hour on Sundays, and dispose the children in classes, and teach them the rudiments of the Christian religion; they read before mass to them some pious lecture or instruction; and in some chapels after mass resume the same business, and continue it for an hour or two; they conclude these instructions by some form of prayer, after which they disperse and go home.

Do you conceive that the present state of your chapels and the insufficient accommodation which they afford to the Roman Catholic congregations in Ireland impedes the efforts of the Roman Catholic clergy in giving religious instruction to the people?—Perhaps one of the greatest obstacles to the instruction of the people in Ireland, is the want of sufficient room in our chapels, but this is an evil which it is not in our power to remedy; the pressure upon the peasantry is so great, from various causes, that they have not the means of enlarging their chapels, still less of building them anew, without making sacrifices which are peculiarly oppressive to them; and I have myself often ordered a chapel to be enlarged, or said that otherwise I would not permit mass to be celebrated in it, and yet upon the representation of the priest, as to the distress and extreme poverty of the people, I have withdrawn such order, and suffered them to proceed as well as they could.

Have you known many instances in which, in poor parishes which have been unable themselves to build or to enlarge their chapels, contributions have been made for the purpose of assisting them, by Protestant landlords and Protestant inhabitants?—Within my diocese we have not enlarged or built any chapel, since my appointment to my present office, in doing which we have not been assisted, and materially assisted, by Protestant gentlemen; in the parish in which I reside, about six years ago, we commenced a very beautiful chapel; we were enabled, chiefly by the assistance given to us by Protestant gentlemen, to build the walls and even to roof them in; I myself have endeavoured, out of my small income, to contribute some forty or fifty pounds a year, for the two or three last years, to the advancement of this work; but from the extreme poverty of the parishioners, I have not till lately ventured to call upon them for any aid, and the building, though a beautiful one, remains in that unfinished state; Sir Henry Parnell has been one of our most bountiful contributors towards this building.

Are there not instances in which Protestant proprietors, who are generally considered as being extremely adverse to the Roman Catholic claims, have nevertheless felt it to be their duty to come forward, and assist the Catholics in building or repairing their chapels?—That, perhaps, is the only matter in which I can scarcely distinguish between those of the Protestant gentry who are adverse, and those who are friendly to our claims; they all seem to think it a duty, on their part, to contribute to provide for the people a place of worship.

Do you consider the number of priests in your diocese, to be adequate to the full performance of their religious duties?—The priests in my diocese are perhaps some-
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what more numerous, in proportion to the number of people to be served, than in most others in Ireland; the reason is, that I have a college at Carlow, to which a lay school is attached, and from the profits of that lay school we have been enabled to put together a very considerable sum of money; and by the interest of this money we are enabled to support a president and vice-president, and a competent number of professors; and hence we are, in my diocese, enabled to educate at Carlow such a number of priests as are wanted immediately in the diocese itself. But I will state, that notwithstanding this supply of ours, which is greater than can be found in any other diocese perhaps in Ireland, we have not yet employed upon the mission, more than two-thirds of the number, which would be necessary for the due discharge of the priestly functions amongst the people; the reason however is, not that I could not furnish a sufficient number of priests, because I have at my disposal the college to which I have just alluded, but I do not like to burthen the people, who are too much weighed down with other claims, by sending amongst them an additional number of priests, who of course should be supported by their contributions.

In point of fact, is the number of priests existing in your diocese, sufficient to enable them to give instruction, in the shape of a sermon, after mass at every chapel within the diocese?—The priests in my diocese are so strictly bound by the statutes of the diocese itself, to give religious instruction, that unless in a case of difficulty almost extreme, they cannot avoid giving such instruction; but yet in general it is given by them at great personal inconvenience, for many of them have to celebrate two masses upon each Sunday, one of them at so late an hour as eleven or twelve o'clock. The priest who thus celebrates two masses, is obliged to fast until the labour is ended, and often to ride some miles between one chapel and another; having this heavy labour to perform then, he is not often able, particularly if he be an old man or of a delicate constitution, to give so much instruction in public as I would wish. However, he must read either the epistle or the gospel of the day, or both, and give a short exposition of them; or if not of them, of a chapter of the common catechism, where the Christian duties are briefly laid down.

Considering the discipline of the Roman Catholic Church as applicable to Ireland, do you not conceive that a regular instruction of the people, in the shape of a sermon, is actually necessary?—I think it actually necessary; but from the circumstances of the priests, which I have now described, and from the smallness of the chapels, such instruction cannot be given in the most desirable way.

You have alluded to an establishment at Carlow for the education of priests; how long has that establishment subsisted?—That establishment was opened a year or two before the college at Maynooth; I do not know exactly the year.

From whence are its funds derived?—The funds have been derived partly from donations or bequests made to it by individuals, but they have chiefly arisen from the profits of a lay school, which is attached to the college.

Is there then a combined system of education at Carlow, lay and ecclesiastical?—There is:

Are the students of those two classes educated together?—No; they are educated in the same establishment, but not together.

Do you conceive there would be any objection to combine the two branches of the establishment there, the lay and ecclesiastical, referring to the Roman Catholic priesthood?—I should not think that persons destined for the ecclesiastical state, if they have resolved to enter into it, should be mixed with persons whose vocation was not yet decided.

What are the grounds which have induced you to form that opinion?—The grounds of it are, that I wish ecclesiastics to turn their minds and affections entirely to that state of life upon which they are about to enter, and to keep themselves as much as may be, separated from those worldly feelings and pursuits, which are lawful, if not commendable in lay persons. I think, in a word, that the ecclesiastical character, in order to be perfect, should partake as little as might be of that of a layman; and therefore I do not wish, that ecclesiastics who should live to God, and who are to be employed during life, in inculcating the pure morality of the gospel upon the people, not only by word, but also by example; I do not wish, or think it right, that such persons should be too much mixed with worldly concerns; I conceive that their being so, is opposed to the spirit of the gospel, and to the admonition of the apostle, who says, that nobody who is devoted to the service of the altar, should mix himself with secular concerns.

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Has the establishment at Carlow been always distinct in its branches, or have those branches ever been combined?—They have never been combined more closely than they are at present.

Is there within your knowledge, any college in any other diocese in Ireland similar in its objects to that of Carlow?—There is a college in the diocese of Ossory; and there is a seminary, I believe, at Waterford; and there is also a small one at Tuam, these are similar in their object, but they are small; I might say, insignificant compared with ours, for our establishments, comparatively speaking, are very large; the number of students educated in them is very considerable; the establishment of professors is very respectable; and the sciences taught by them are the same as those taught at Maynooth, or at any other public establishment; in a word we have a regular professor of theology, of sacred scripture, one of moral and rational philosophy, one also of natural philosophy, besides teachers of the classics; such an establishment as that, comprising so many professors, could not be had in a seminary unprovided with very considerable funds, therefore it is that those other seminaries are very small compared with ours.

Do you mean that there are courses of scientific instruction, both pure mathematics and experimental philosophy?—Pure mathematics and experimental philosophy are taught at our college, in the same manner as they are taught at Trinity College.

What is the number of students?—It varies between 100 and 120, including the lay gentlemen.

How many of those are educating for priests?—The number destined for the priesthood varies from sixty to eighty.

What is the expense attending the education of a boy at the college of Carlow?—We charge them twenty-five guineas a year for their commons, in which charge we do not consider ourselves as including any thing at all for education. Except those who are educating for the church, all our pupils are obliged to pay five guineas at entrance and thirty guineas a year.

What is the whole annual expense?—I should think, the education of a lay boy would cost between forty guineas and fifty pounds a year.

Do you prefer this plan of education to that at Maynooth?—The plan of education, at our college, is very nearly similar to that at Maynooth, because there also the classics are taught, though they instruct ecclesiastics only; and as to the sciences we teach the same course in both establishments.

Do you prefer a system of education, that would require this expense, to one entirely charitable, like that at Maynooth?—Yes, I would; but, however, if you were to charge the students coming from several dioceses in Ireland, as much as they are obliged to pay at our house, you would exclude them altogether, as they have not the means wherewith to pay; for instance in the north, where the Catholics are, generally speaking, few in number, and very poor, I do not suppose you would find a number of persons inclined to enter into the church, who could afford to pay forty, or perhaps twenty pounds a year during their studies. Not so in Leighlin and Kildare, for we have a great number of substantial farmers, who are able to pay what is charged for the education of their sons.

Would you prefer the system of education at your college, to the system of education in the foreign universities?—I feel a partiality for education at a regular university, because I have been educated at such a place myself; however, it is possible that our system of education, for the generality of ecclesiastical students, may be better than that of a university abroad; but I think, for certain classes of persons, an education at an university, where there is more emulation and more zeal, a longer time allowed for study, greater rewards and distinctions held out, would be far preferable to that of a private seminary or college, such as Carlow and Maynooth.

Do you think that so far as it is practicable, a less eleemosynary system of education would be preferable for the clergy?—As far as it is practicable, I should think so; but am of opinion, that much caution would be required in making such an arrangement as would burthen the students with expense.

If there were any arrangement for the payment of the Roman Catholic clergy by the state, such as would make situations in the church an object for persons in a certain rank in life; do not you think that the persons who went would be able to pay for their own education?—I think that such arrangement would probably have that effect.

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What is the number of years which each student is obliged to reside at Carlow, previous to his ordination?—The students of my diocese are obliged to reside in Carlow at least six years; in general they reside for a longer time, but the course which is absolutely necessary for a student in the college, is only of five years.

Are they ordained for other dioceses besides that, after having received their education at that seminary?—Yes.

For any diocese in Ireland?—For any diocese in Ireland; we receive them from any diocese, when they come recommended to us by their bishop.

And a degree, or a graduating at that seminary, is considered the same as a degree taken at Maynooth?—We have not the power of conferring degrees either at Maynooth or at Carlow; there is a testimonial signed by the president, of the student having passed through the regular course of studies, but it is not what we call a degree; a kind of proceeding sanctioned by law, which gives to a man a degree, is what we cannot have.

Is there no such power at Maynooth?—No such power at Maynooth; it is a power, I believe, generally derived from the King's act of foundation; in Ireland there is no such thing existing, except at the university, that is, at Trinity College; in fact, the power of conferring degrees is scarcely ever given to colleges, it is confined to universities; they are only religious orders in the church which have had the power, from time to time, of granting something equivalent to a degree.

Is a testimonial given at Carlow, considered equivalent to a testimonial received at Maynooth?—Yes, it is.

Is it considered also the same thing when given at the other seminaries in the dioceses of Waterford, Ossory, and Tuam?—A man who gets a certificate of having fulfilled the course of studies adopted in any of those seminaries, is thereby entitled to be employed upon the mission; but it is a matter that depends upon the opinion of the public, whether he will stand as high in their estimation when he has fulfilled his studies at another seminary, as if he had studied at Carlow; I do conceive that the generality of students who have completed their studies at Carlow, are much esteemed throughout Ireland.

Can you inform the Committee, what the number may be at other seminaries?—I really cannot; I believe they are few.

Is it necessary for a person to have taken any degree, in order for him to be made a bishop?—It is not necessary.

Then, of course, persons educated at Maynooth and Carlow, are qualified to become bishops?—Yes; and there are several bishops in Ireland who have been there educated.

Have the majority of the Irish prelates been educated at Maynooth, or at the foreign universities?—The majority of our present prelates have been educated at the foreign universities; but I suppose, in a few years, we are not likely to have any bishops but such as have been educated at home; I am myself the youngest prelate in Ireland who has received a foreign education.

Can you inform the Committee of any other circumstances, besides the facilities afforded by the establishments at Maynooth and Carlow, which lead you to think that students will not repair to foreign universities for education?—I do not know any other.

Have any obstacles been thrown in the way of the Irish youth repairing to the universities in France?—None whatever, that I am acquainted with.

Have not some of the burses been suppressed?—No.

Have any facilities been offered by the French government?—No facility, that I heard of; the funds belonging to our Irish college in France, or rather the management of them, was for some time past vested in a kind of board at Paris; and this board consisted of men who mismanaged our property very much; they placed in the seminary there, which belongs to the Irish, men in whose morals or capacity we had no confidence; and whilst the management of the seminary continued in the hands of this bureau, many of the Irish prelates were unwilling to send subjects there. But some short time past, this bureau was dissolved, and the administration of the college vested, I believe, in some person appointed by the King; I do not know but it may have been in one of the secretaries of state; an Irish ecclesiastic, however, who happened to be on business in Paris, was appointed president, and since then, our objections to sending students there, have been, I may say entirely removed. I myself have a right to send there a student, or perhaps two or three, and during the last six years I would not send one at all to Paris, for the reasons

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I have stated; but I am deliberating at present about sending one or two, on account of the change to which I have adverted.

When sent there, will they receive their education and support without any contribution by themselves or their families?—They will receive their education and support without any contribution, by themselves or their families; but they will receive it, not from the French government or the French nation, but out of funds which originally belonged to Irish families, and which funds were settled in that country, when at home we were not permitted to educate our own youth. Much of those funds were confiscated at the period of the revolution, but some remnant of them was preserved; and it is this remnant which was restored to us at the time of the general peace, and which it was sought at that time to have transferred to Ireland, but the French government was averse to such translation; and I believe the representatives in France of our own government did not exert themselves very much to obtain the removal of this fund at that period, or they might have succeeded; but at present, I should think we could not obtain the removal of it from that country to our own.

Can you inform the Committee, what number of students the exhibitions, which are continued in the foreign establishments, might suffice to educate, speaking now of the university of Paris?—I cannot speak with much precision to the amount of our funds there, but I should think they may be rather less than 4,000*l.* sterling a year, besides having a very large college house.

Does that include the exhibitions to which those families in Ireland have a right of presentation?—It does include such exhibitions.

What means exist in other universities abroad, for the education of Irish youth, in the universities, for instance, of Flanders and Spain?—There is some income belonging to us at present in Flanders, but it has not been applied hitherto for the purposes of education; whether it will or whether it will not be so applied, I am not at present prepared to say; but except that, we have not upon the Continent any establishment deserving notice, for Irish secular priests; it is likely, however, that we may shortly have one at Rome. The Irish have had at all times past a college in Rome (when I say all times past, I mean from the period of the change in the state of the law in this country), and I think it likely that they would wish to have a college there at present.

When you speak of having funds in Flanders, do you mean French Flanders, or the kingdom of the Netherlands?—The kingdom of the Netherlands.

What has become of the establishment at St. Omer's?—It was destroyed during the French revolution.

In saying that there were no funds for the education of the clergy, you used the distinction of secular clergy; what funds are there for the education of the regular clergy?—I do not well know; but I know, that as the religious orders in Ireland have each a distinct college at Rome, they must of course have some funds by which such colleges are supported.

Are there no funds in Spain?—There may be some trifling funds at Salamanca in Spain; but I believe they are very small.

Having stated that you conceive the French government would now be less inclined to admit the transfer of those sums appropriated for education, than they would have been at the time of the peace; do you mean to suggest to the Committee, that they are now more desirous of establishing the foreign education of Irish priests?—No; the meaning I attached to it then, and what I have at present in my mind is, that our influence with the French government was stronger at the period of the restoration than it can be supposed to be at present, when that government is settled; and as there would be an inclination at all times in a French government to retain in their own guardianship a large mass of property, I should think that such inclination is strengthened by the circumstance of the government itself having grown strong and secure.

Could you furnish to the Committee, previous to your leaving London, any account of the number of students at the foreign universities, now destined for the priesthood?—It would not be in my power to do so; it is only by application to the several bishops of Ireland, whose subjects are upon the Continent, that such account can be furnished; and even then I doubt whether it would be possible to ascertain the number. I myself have no subject for my diocese in France, but yet there are several individuals of the diocese to whom I have given permission to go abroad, and study. Those individuals are gone to France for that purpose; and when they will have been educated, they can apply to any bishop in any part of the world

world for ordination. I may not receive them, but they will be received elsewhere, either in this country or in America.

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When you mention the three orders that exist in Ireland, do you mean that they have distinct establishments in Ireland; houses belonging to their orders or confraternities there?—They have houses belonging to their orders in Ireland, where the religious live; and they send abroad young men to Rome, who are educated there and come home, and then occupy those houses which they have in Ireland.

What are the three orders?—There are Dominicans, Franciscans, and Augustinians.

Which is the most numerous of those?—I should think the Franciscans is by much the most numerous.

What duties of the ministry do they perform or assist in performing, in Ireland?—They assist in performing, I might say, every duty of the ministry; they preach, they hear confessions, and they catechise.

How are they supported?—They are supported chiefly, in towns, by collections made at the doors of their chapels on Sundays, from the congregations who assemble to hear mass; and when this is not sufficient, they send some person belonging to their families into the country, and he collects amongst the farmers alms for their support, in kind generally.

Have they no fund or endowment in Ireland?—I believe they have; some more, and some less.

Can you state where?—Almost every house, I should suppose, has more or less of property belonging to it.

Are there many of such establishments?—Yes, there are a good many; in Dublin, I suppose, there are six or seven; in Galway, there are three or four; in Limerick, there is an equal number; in Cork, there is an equal number; in Kilkenny there are, I believe, two; and in several small towns there is at least one.

Can you state the number of regular clergy in Ireland?—I cannot, with any degree of accuracy; but I should suppose there might be about two hundred.

When you state that most of those houses have property, do you mean by that, landed property?—No; interest in houses, and some funded property or monied interest.

Is the establishment for education at Castle Browne, within the diocese of Kildare?—It is within the diocese of Kildare.

Can you inform the Committee, how that establishment is conducted?—It is a school, where young boys are educated.

What is the number of persons in that establishment?—I really cannot say; but I suppose the number of pupils in the establishment exceeds an hundred; probably there may be an hundred and fifty.

At what age are they sent there?—I believe they are received there at the age of ten.

By whom is that establishment conducted?—There are several clergymen residing in it, the superior of whom seems to be a Mr. Kenny.

By what funds is it supported?—By the pensions received from those young gentlemen who are educated in it.

Have they not estates or property?—They have purchased the house in which they reside, with a piece of land attached to it; I do not know the number of acres.

Do you know who purchased it, was it Mr. Kenny?—I believe it was Mr. Kenny himself.

Are they of any particular order of ecclesiastics?—It is said that they are Jesuits.

In fact are you aware whether they are or are not?—I do believe they are; amongst the Jesuits they are reputed such, but then the Jesuits in these countries are not recognized to exist as a corporation like the other religious orders; and if they be Jesuits, as I believe they are, they do not seem, as far as I can understand, to act in any other capacity than that of individual clergymen collected together; they sometimes exercise the ministry in the diocese of Kildare, but they do so by authority derived from me and subject to my control.

You do not admit their right *virtute ordinis* merely as Jesuits?—By no means; I do not know in an official way that they are Jesuits at all; I even on one occasion where it was necessary for me as I thought to know it, applied to Mr. Kenny in an official way, to ascertain whether he was or was not a Jesuit; I have communicated to the Committee the substance of the reply he made to me, in what I have just said.

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Have you any reason to doubt that they act under the authority of the officers of the order and the rules of the order, as the members of it have always done?—Within their own walls and in their domestic duties they may do so, but certainly outside of their own house they do not, because they can do nothing in my diocese unless in virtue of authority derived from me; I have over them a full and perfect control in the exercise of their ministry.

When you say they can do nothing, you mean they can perform no function of the ministry?—They cannot preach or teach, or celebrate mass outside their own house, unless I commission them to do so.

What is the number of pupils in that establishment?—I said that I did not know, but I believe it may amount to between a hundred and a hundred and fifty; it may even exceed a hundred and fifty, but I do not know.

The expense of education there is high, is it not?—I believe their ordinary charge is fifty pounds or guineas a year.

Then the class of pupils educated there is necessarily of a high order?—They are very respectable indeed.

Are you aware how many ecclesiastics are employed in the superintendence of this establishment?—I suppose there cannot be fewer than twelve or fourteen.

Are there any foreigners amongst them?—There is one who I believe is a Pole, a simple good man, who has been there for some three or four years past; he seems to me to be a German or Pole.

The others are Irish?—The others are all Irish; they have an establishment of a similar nature at Stoneyhurst in Lancashire, and it sometimes happens that individuals from that establishment who are English, go over and reside for some time at Clongowes; I have seen, as I recollect, two or three or four young men who were introduced to me there as Englishmen.

Are you aware of the existence of any other establishment in Ireland, supposed to be conducted by persons of the same society?—There is one other in the diocese of Meath, but there is only one or two of those men residing in it, and a small number of young gentlemen of a more tender age.

However, at neither of those places is any eleemosynary education afforded?—No, nor are there any ecclesiastics educated in either, except their own.

But for the ministry in Ireland, none have been educated at those establishments?—None have been educated at either place.

Have you ever heard of an establishment being about to be founded, or a purchase of land being made in the south of Ireland?—No, I believe no such purchase has been made, or was intended to be made.

Can you inform the Committee, what was the amount of the purchase money of Castle Browne; what was the capital invested in that establishment?—I may be very wrong in what I say, but to the best of my recollection, I think it cost 16,000*l*.

You are not aware whether that arose from funds contributed by several individuals, or whether it was the investment of one individual?—No.

A few years ago, petitions were presented to Parliament from some of the Roman Catholic bishops, complaining of the state of the law with regard to Catholic charities; what are at present the feelings and opinions of the Catholic bishops, with respect of the powers that are possessed by Roman Catholics to endow Catholic charitable institutions?—The impression upon the minds of the Catholic bishops and clergy, and even laity, is, that every donation or foundation of that kind would be liable to litigation; and that, unless the instrument whereby it would be conveyed were drawn up in a very careful way, the Commissioners of Charitable Bequests in Ireland would be entitled, as no doubt they would be inclined, to seize upon it; and therefore the doubtful state of the law upon that subject is one cause, and I might say a chief one, why our places of worship, and our religious establishments, which might be very useful to the country, are left destitute of those means which they would otherwise acquire. It was a feeling of this kind which induced the bishops to send forward the petition which has been now mentioned, and I myself was among those who signed it; and the same feeling still continues, though in some degree mitigated.

Has not there been a decree of the court of Chancery, that goes to settle the doubts entertained with respect to the law?—There was a decree that bore upon that subject, made by the present Lord Chancellor of Ireland; but we conceive, that a decree of the Lord Chancellor is a very bad security for property, as he him-
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self might make a different decree, or certainly his successors; and as every case that comes before the Lord Chancellor, is affected more or less by circumstances, we would fear very much to take a single decree of his as a precedent upon which to risk property; that is the feeling in my mind, and it is a feeling generally prevailing amongst the Catholic prelates.

Are you aware, that the decision of the Lord Chancellor in that case, has been entirely acquiesced in by the Commissioners of Charitable Donations?—I do not know that circumstance.

Are you aware, that when Lord Manners intimated the leaning of his opinion on the subject, in favour of the bequest for purposes connected with the Roman Catholic religion, it was entirely acquiesced in by the counsel on behalf of the Commissioners, and that they said they would not argue against it?—I believe I recollect the occurrence, and it was known to us all, that His Majesty's Attorney General appeared in court, and waved his right to oppose the decision.

And distinctly stated, that he thought it so clear that it could not be contraverted?—Yes, I believe we are aware of that.

Does there, in point of fact, exist a want of confidence amongst Roman Catholics, in the present state of the law, as to applying property in support of Catholic charitable institutions?—There does such want of confidence exist; after the short discussion which took place in Parliament last Session, I myself endeavoured to impress a contrary opinion upon the minds of many with whom I conversed about it; but I did not succeed in making them think even as I did myself.

Does this state of the law operate by throwing obstructions in the way of the building of chapels, and the establishment of schools?—Unquestionably; it is a great obstacle to the establishment of very useful institutions in the country.

What is the state of the lower orders of the people in your diocese?—I might say, that even in the lower orders we should distinguish some grades, there are some of them very low, but who yet have the necessaries of life; but there is a very numerous class who are extremely low, whose distress is, doubtless, indescribably great. I am in the habit of conversing with many of this description, I sometimes visit them in sickness; occasionally I see them in their cabins; my intercourse with them is constant, and I might say extensive; and I can safely state to the Committee, that the extent and the intensity of their distress is greater than any language can describe, and that I think the lives of many hundreds of them are very often shortened by this great distress; it also enervates their minds, and paralyzes their energies, and leaves them incapable of almost any useful exertion.

Are the numbers, who are in this wretched state, very great?—Their numbers are comparatively very great; I would give the Committee an idea of it, by stating what I know of it from the last year. The town of Carlow and suburbs contain about 8,000 or 9,000 inhabitants by the late census, last year the distress was something more than usual; there were of the poor of Carlow 237 families, consisting, I suppose, of five and a half persons on an average each, who applied to us for relief in public; and I should think, from the applications made to myself, by distressed persons, that the number of those who would not go abroad to receive the food which we distributed, might be about 500 persons more; there was that number then in the town of Carlow. In the parish of Killishean, in which I reside, we also enumerated the poor who were actually in a state of starvation, and they amounted to 700, and some more, in a population of about 3,000, or between 3,000 and 4,000 souls. In addition to those paupers in that parish, I know that the distress amongst the great bulk of the people was extremely great, so much so, that men having cabins and a few acres of land, and perhaps a horse or two, were obliged to sell even the furniture of their houses, and to pledge their beds, in order to procure subsistence, and this subsistence consisted of a few potatoes, supplied to the family once in each day, for about six or eight weeks, or perhaps longer. And I also can state, that this distress extended so high, that I myself, and I regret very much being obliged to introduce myself so frequently; but as the mention of myself is necessary in order to make the case clear, I do it, however reluctantly; I myself, have been obliged to lend money to almost the largest occupiers of land in the parish where I live, to buy seed for their farms; and if I, or some other charitable person had not done so, the land would have remained untilld. The Committee can perceive then, that not only the 700 paupers who were in a state of starvation, but also a great proportion of the remaining part, were reduced to the difficulties I mention. And though the last year was a year of more than ordinary distress, yet I am confident,

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fidant, from the great number of poor not employed, and the small stock of provisions which they are enabled to preserve for the summer, that the season which is now approaching, will be as pressing nearly as that which is passed.

Was last year, a year of any extraordinary distress?—I cannot call it a year of very extraordinary distress; but it was a year of much more than ordinary distress.

Was the distress as great as it was in 1822?—By no means.

Then, is it your opinion, that this state of distress will be in some degree a matter of ordinary occurrence at particular seasons of the year?—That we will have great distress every summer, whilst the present state of things continues, is a matter of course; it will be greater or less in proportion, as the potatoe crop happens to be good or otherwise, but that we will have a great deal of it each year, is a matter to be counted upon as certain.

What is the reason you mentioned the summer, as a period of particular distress?—The poor people in general collect a little dung, (they have no land) this dung they put upon a piece of land given to them by a farmer, and it produces to them a little stock of potatoes; this, with their earnings, supports them until, suppose, March or April, then their entire stock is exhausted; and when the summer advances, particularly the latter part of it, before the harvest comes in, they have no means at all of support; they have no employment; they have no food; and they are actually dying of hunger.

Is there not sufficient employment during the summer, to give them the means of purchasing even potatoes?—By no means; till the hay harvest commences, you might get hundreds upon hundreds of men unemployed; when the hay harvest comes in, (and last year, the hay harvest being very fine, many labourers were not necessary); nor half the number of persons disposed to work, were employed.

In what manner does this large number of persons contrive to live?—The people who have some property, are in general very charitable, and they see that broths are made in their families, and cabbages and roots, which are very abundant, boiled and distributed out to the poor. Again, the male part of the family lie very frequently in bed; during the day, the wife or daughter perhaps goes abroad and begs about the neighbourhood for some few potatoes, which she brings home; on these they vegetate; and even an honourable Member of this Committee, who is so well acquainted with our poor, can scarcely imagine upon what a small pittance one of those wretches endeavours to subsist; in fact he is almost like a savage of the American deserts; he lies down on a little straw upon the floor, and remaining there motionless nearly all day gets up in the evening, eats a few potatoes, and then throws himself again upon the earth, where he remains till morning; thus he drags out an existence, which it were better were terminated in any way, than to be continued in the manner it is.

Do you think this evil is likely to increase?—If the laws be not altered, and the country so settled, that people will have a confidence in the peace and good order to be established, and if English capitalists do not go to Ireland, and those who have capital there employ it in agriculture, in manufactures, and in mines, I do not see why this evil must not increase.

What alteration in the law do you contemplate, as likely to produce those effects?—The abolition of all disabilities on account of religious opinions, in the first place, because without that, I think no other measure can have effect; if that be done, I should suppose that those other institutions which are now in progress, and particularly the disposition which seems to exist on the part of English capitalists, to transfer their money to that country, and employ it in industrious pursuits, would produce those effects to which I allude.

You just now used the expression, “the present state of things,” was it with reference to the circumstances last-mentioned, that you used that expression?—I used it with reference to the state of the laws, which keep every thing unsettled; and every thing insecure, and which discourages men of capital and industry from embarking both in the improvement of the state of Ireland, and the advancement of their own fortunes.

Is that only a general observation, or have any instances come within your knowledge, in which those laws have discouraged persons from embarking capital in Ireland?—It is rather a general observation than one founded upon a knowledge of particular facts; but, however, this general observation is one that is founded upon a general notoriety as to the state of things, which notoriety, I think, is in itself a sufficient proof that the observation is not light or unfounded.

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Have any circumstances contributed, particularly in the district you have spoken of, to increase the large amount of population you have described, to an amount so much beyond the means of employment?—I live in the vicinity, as I mentioned, of a very considerable town, into which there has been a great influx of poor people from the country, who occupy little dwellings, hoping to live by their labour. I speak of Carlow and its immediate vicinity; now whilst the prices of corn were very high, there were mountainous districts and marshy lands, chiefly in the Queen's County, not far from us, which afforded to the people some support; and this support failing, they not being able to pay their rent, were obliged to relinquish their habitations, and crowd down upon us; this is one cause.

Do very early marriages prevail amongst the poor?—I find also, that those poor people, without care or precaution, intermarry one with the other, even when they have no prospect of being able to support a family; and those early and improvident marriages, I think also, are a cause why we are oppressed with this starving population.

The town of Carlow is, in general, in a much more flourishing condition than other towns in the south of Ireland?—I can only say, that if it be, those other towns must be wretched beyond all conception; for I speak of the state of Carlow from actual knowledge and observation.

Is there any manufacture there?—There is no manufacture, of what kind soever, in it; we have been endeavouring, and have made great efforts to encourage the spinning of coarse linen yarn; we have not, however, succeeded to any considerable extent. I have, myself, made a great effort within the last year, to seek to have children taught the manufacture of bonnets. I have lately sent a person to be instructed in the stitching those bonnets which we call Leghorn bonnets; and upon her return, I hope some progress will be made in it, and that females may get employment to a considerable extent, either in spinning or bonnet-making: but except those, which are very trifling indeed, we have no manufactures of any kind whatsoever.

Then when you spoke of the great and unemployed population of the neighbourhood in which you reside, did you mean to refer to the neighbourhood of Carlow particularly, or did you mean that the same thing exists in the other parishes within your diocese?—Yes. I am intimately acquainted with all the parishes, and all the towns in the diocese of Kildare and Leighlin; and as far as I am acquainted, there is very great distress in all of them; but I think there is a greater proportion of distress in Carlow than in any other town in my diocese; but that impression may result from my being more intimately acquainted with that parish than with any other.

Has the subdivision of land in that part of the country, contributed much to this increase of redundant population?—Yes.

Has that gone to a great extent?—In the county of Carlow it has not gone to a very great extent, in the county of Kildare it has not gone to a very great extent, in the Queen's County it has gone to a greater extent; those three counties are almost entirely within my diocese; I have also portions of the county of Kilkenny, the county of Wexford, the county of Wicklow and the King's County, and here too I think the population, particularly in the county of Wicklow and the King's county, has increased considerably from that cause.

Is that subdivision of land generally arising from the arrangements of the tenants, or from the circumstance of their holding in joint tenancy from their landlord?—It is derived from both those causes; I have known some instances where it has proceeded from that joint tenancy, and many instances, perhaps more than in the other, where it has arisen from the subdivision of land occasioned by the necessities or convenience of poor families.

Is there not a very extensive district of country called The Colliery country, which thirty years ago was almost destitute of inhabitants, that is now covered with a very dense population?—Yes, that very large tract of country has been covered with a dense population during the last twenty or thirty years, as I should suppose, and previous to that it was almost a waste.

Is that district of country twelve or fourteen miles square?—It is at least twelve or fourteen miles long; it is not so wide, but it is nearly.

In speaking of Carlow, do you not include the large village of Graig?—Yes, I include the suburbs.

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Have any other causes besides those you have alluded to, tended in your opinion to increase the population in an excessive degree?—The population is immediately increased, as every one must perceive, by improvident marriages; but those marriages themselves, in my opinion, result in a great measure from the extreme poverty of the people, for that poverty has paralyzed their energies, it has prevented their taking such an interest in creating a respectable situation for themselves in life, as men possessed of some property always feel; for those wretched people say, their state cannot be worse when married than before, and hence they go together. Moreover when the head of a family is extremely poor, he lives in a wretched cabin, and has only one apartment where he and his children dwell; it is so with his neighbour, and there is then a constant intercourse kept up in these small dwellings, so that the different sexes are mixed up together, and that respectful distance which is always observed in families of any thing of rank, is lost entirely amongst the poor. Hence it is that if those people had some property that would give them education and a feeling of self respect, and would put them as it were upon their energies to seek a livelihood, they would look before them before they married; but now their very depression, and their extreme poverty throws them together like so many savages in a wood. It is a frightful state of society, and when it is considered, it fills one with so much pain and horror, that I have frequently prayed to God, if it were his will, rather to take me out of life than leave me to witness such evils, if they were to continue; they are beyond the endurance of human nature.

Have the landlords of the country, in your opinion, with a view to receiving a higher rent, or with a view to other objects, increased the population by encouraging the subdivision of land?—Upon my word I think they have, in many cases, done so, with a view to receiving a higher rent.

In point of fact, is a higher rent given, or rather promised, for land, when subdivided in this manner?—Yes; those poor people promise any thing almost for land, in order to get possession of it.

Do you think that the desire of registering a great number of freeholders, for instance, has contributed on some estates to the same result?—It has contributed, on some estates, to the subdivision of land, and to the creation of joint tenancies.

Has that gone to a great extent of abuse or ill consequence, in those parts of the country with which you are acquainted?—It has not gone to a great extent in that part of the country with which I am best acquainted. In Kildare it has not gone to a great extent, because we have not had a contested election there from time almost immemorial; in the county of Carlow it has not gone to a great extent, if I were to except the properties of three or four gentlemen; in the Queen's county it has gone to a considerable extent.

You have given to the Committee a very painful and a very true picture of the state of the peasantry in some of those districts; are the peasantry, such as you describe, in many instances possessors of the elective franchise?—No; the class of peasantry, which I describe as labouring under that extreme distress, are not, or but very few of them; but the Committee will recollect, that I presented to them a kind of scale of the poor. The great and most numerous class of those wretched beings have no elective franchise; then of the class which comes immediately above them, many have the elective franchise.

Do you know any instances in which Roman Catholics in Ireland, having a difficulty in finding the means of paying the clergy of their own persuasion for marriages, have applied to Protestant clergymen to be married?—Certainly I have never heard of an instance of that kind in the diocese where I live, because a priest in the diocese of Kildare and Leighlin, who refused to marry any one, would on that account be suspended.

That is owing to a regulation made by you in the diocese, that regulation is not essential to the discipline of the diocese?—It is a statute in my diocese, it is not a general law throughout the church of Ireland.

Could you state to the Committee from memory, what is the purport of the oath which a Roman Catholic bishop takes upon his ordination?—I really could not; the substance of it is, that they profess canonical obedience to the Pope, and will receive honourably his legate going or coming, and various other things which I could not state with any degree of accuracy.

Could you furnish the Committee with a correct copy of the oath?—I am sure I could borrow a pontifical from the vicar apostolic, who lives in town.

Will you explain the distinction between a vicar apostolic and a Roman Catholic bishop?—We have the title by the appointment we receive to a see, as Roman Catholic

Catholic bishop of it, whilst the vicar apostolic is only a delegate from the see of Rome to administer the interests of religion within any district which may be assigned to him, and therefore is removable at the will and pleasure of the Pope; but a bishop, such as we are in Ireland, cannot be removed when he is once appointed.

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Is there any distinction between the power of a vicar apostolic and a Roman Catholic bishop as to the power of withholding the publication of any bull or rescript from the see of Rome?—I should think there is a material difference, because the vicar apostolic depends, as to the existence of his office, upon the will of the see of Rome; he can be removed from it at the good pleasure of the Pope; the faculties which he exercises can be restricted or limited or modified, just as the see of Rome may please. It is not so with us bishops; we cannot be removed, we have a title to our place; our rights are defined from the gospel and from the canon law, defined as well as those of the Pope himself; we cannot be obliged to do any thing by the mere good will or pleasure of the Pope.

In the year 1799, the Roman Catholic prelates of Ireland at that time resolved, that, in the appointment of prelates of the Roman Catholic religion to vacant sees within the kingdom, such interference of government as may enable it to be satisfied of the loyalty of the persons appointed is just, and ought to be agreed to; do you think the Roman Catholic prelates at present entertain the opinion that was expressed by the Roman Catholic prelates in 1799?—If I were to pretend to speak the sentiments of the Roman Catholic prelates I might deceive myself, and deceive the Committee, and therefore I think it would be safer in communicating information that I should only give my own private sentiments, for I do think I could not speak the sentiments of others with any degree of confidence; men's minds are so different, and it is so delicate a matter to pretend to speak for others, that I would not undertake at all to do it.

Do you dissent from the opinion which was expressed by the Roman Catholic prelates in Ireland?—I cannot say I dissent; but if what is meant there would go to imply that, in order to ascertain the loyalty of the person to be appointed, the Crown should have a direct or indirect interference with such appointment, then I do dissent from it; but if a mode of ascertaining the loyalty of the person to be appointed can be devised, which would not imply a right on the part of the Crown to interfere directly or indirectly with his appointment, I should fully agree then with the resolution; for there is no one in the country who would be more anxious that the Crown should be fully satisfied of the loyalty of the person appointed than I would, for I think it essential to the well-being of the state that perfect confidence should prevail between His Majesty's government, and every class of his subjects.

You are acquainted with the provisions which were made in the Bill that passed the House of Commons in the year 1821 for the purpose of procuring that assurance as to the loyalty of the person appointed?—I have some vague recollection of what the provisions were.

Do you recollect enough of them to express any opinion as to whether it is likely that the Roman Catholic prelates in Ireland would see with satisfaction the re-enactment of those provisions?—I should think they would not; and for my own part, I do say I would not.

Can you suggest any other mode of taking security for the loyalty of the person appointed than that which was provided by the Bill of 1821?—My notions upon the subject are these: I am fully convinced, that if the disabilities under which the Roman Catholics labour were removed, we would be so incorporated by interest and affection with the State, that the same pledge which is required of His Majesty's other subjects, namely, the oath of allegiance, would be quite sufficient to secure our attachment at all times to the Crown and to the institutions of the country; for our religion, our church rather, is in its nature monarchical, it has, I might say, a natural tendency to support a kingly government, and if it were to do any thing to disturb or destroy the institutions existing in these countries, it would be acting contrary, as it were, to its own nature; moreover, we in Ireland, if we were incorporated with the State, would feel a most intense interest in promoting the interests of our own country, without reference to religious distinctions; there would be a bond arising out of our affections and natural inclinations which would secure to the Crown our allegiance, better than any provision which can possibly be made; further, we being thus incorporated with the State, and our affections secured to the King and his government, we would be enabled to render to both much greater

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services, than we could if by a provision, such as has been alluded to, we were connected with them by law, as the nature of the church is to connect itself, perhaps too closely, with the Crown; when it does so, it more or less looses the confidence which the people should have in their religious teachers, finding them not only men of religious characters, but also men who have political interests. If you leave our church unconnected by especial agreement with the Crown, you leave us to exercise over a country that is somewhat distant from the seat of government, a most salutary and wholesome influence, an influence which we would exercise naturally; because, by the exercise of it, we would only be confirming the principles of our own church, and labouring for the security and eminence of the State to which we belong. If, on the contrary, you bind us to you by an arrangement of that external kind which has been mentioned, you may make us strongly attached to you, but in proportion as you connect us more closely with you, you will remove from us, and thereby remove from the State, the people over whom we exercise jurisdiction; so that whilst you seek by such an arrangement to secure our useful influence, you in fact weaken that influence where it could be advantageously applied for you. And I am convinced in my soul—I never spoke without sincerity, but I never spoke more from the fullness of my heart than I do at this present moment—that if we were freed from the disabilities under which we labour, we have no mind, and no thought, and no will, but that which would lead us to incorporate ourselves fully and essentially with this great kingdom; for it would be our greatest pride to share in the glories and the riches of England. Whilst then we are, as prelates of the Catholic church, jealous of the interference of the Crown, I think it may be collected from the sentiments I delivered on a former day, and on this, that we are not less jealous of the interference of the Pope; we are zealous for the independence of our church, and we do not like that either the Pope should interfere with it beyond what is necessary for preserving the Catholic communion, nor do we like that an interference of the Crown should be established in the appointment of our prelates, which would weaken our influence with the people; an interference which, under a bad minister (and there have been bad ministers in every state), might be made use of to put into places of great responsibility men who would be unfit to fill them, either to the advantage of religion or for the benefit of the State. Entertaining, then, as I do, these notions which I have expressed, I must feel, and I do say, that, in my opinion, the best security we can offer, and the most effectual one that could be required of us, is, that our prelates be of a domestic kind, that the election of them be made by men resident in the country, and who are British subjects; and that there be no further interference with them than that interference which would result from all persons concerned in such elections taking the oath of allegiance; and that they would elect only such persons as would be loyal and peaceable, and likely to discharge the trust reposed in them in a manner useful to the State, and honourable to their calling.

In the course of your last examination you stated, that if a provision should be made by the State for the Roman Catholic prelacy, you would refuse to receive it, unless it was made irrevocable by law, excepting in the case of a conviction of the prelate receiving it in a court of law of some known offence?—That is what I stated.

You also stated, that if the court of Rome should agree, by any convention with the crown of England, to give any interference, direct or indirect, over the appointment of the prelacy in Ireland, you, for one, after trying the effect of a solemn protest, would still rather abdicate your functions as a prelate than submit to any such arrangement?—Indeed I would; I would state at the same time, that I have no attachment to the office which I hold; and that, independent of such a cause, I would cheerfully resign it; but unquestionably I would resign it rather than be a party in any way to a *concordat*, in which a right to interfere in the appointment of the bishops would be vested in the Crown.

Do you think that such a right as the crown of England exercises in the province of Lower Canada is entirely inadmissible in Ireland?—I am not acquainted with the nature of the influence which it exercised there; but I should think that it would not be unreasonable that a greater right would be vested in the Crown, with regard to responsible officers placed in a distant colony, than with regard to a bishop in Ireland, who is mixed up with a community which forms a component part of the empire itself.

Do you think, in case such a provision as that which has been referred to were made, that it would be possible that there should be any control on the part of the Crown

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Crown over the admission of bulls, rescripts, and other documents from the see of Rome into Ireland?—I know that in 1821, when a bill, regulating the matter, was introduced into one of the houses of Parliament, some strong objections were raised to it in Ireland. At that time I had very little experience in those things; and on that account I scarcely ventured to give an opinion amongst my brethren in Ireland; however, the opinion which I did entertain then was, that the subjection of this correspondence to a board was not a matter to be objected to; because I thought, if things were arranged amicably between the Catholics of Ireland and the British government, that one of the bishops in Ireland probably, or if not, a nuncio, sent from Rome, would be placed in Ireland or in London; and that this person would be enabled to transact the routine business which is carried on between the court of Rome and us, and therefore I thought that this bill would be a dead letter; whereas another mode of transacting that business could be so easily adopted which would be advantageous to all parties; but if the government should entertain any jealousy whatever of the correspondence which passes between Rome and us, I, for my part, and I can only speak as an individual, should have no objection whatever that all the letters and communication which might pass between the Court of Rome and me should be subjected to the inspection of any ecclesiastics whom the government might think proper to name.

Do you mean ecclesiastics of the Roman Catholic religion?—I assure the Committee I should not care who were to compose the Board, if they were all laymen, if they were all secretaries of state; for my part, I have never received any communication from Rome, nor ever will receive any which I would hesitate to exhibit upon any of the public places of London, so that, upon that matter, I, as an individual, feel perfectly quiet; however, I do not say that the other Catholic prelates think as I do about it.

Under the constitution of the Roman Catholic church in Ireland, as it stands at present, could a foreigner be appointed to exercise the functions of a bishop?—I mentioned on a former day, and I repeat now, that the Pope has in him a naked right of appointing whom he pleases to a see in Ireland; but I added then, and I repeat now, that we are not to suppose that he would attempt to intrude into our church an individual who was not recommended to him from Ireland. If he did so, I will not presume to say that such person would not be received, but however, I think it would be extremely difficult for him to take possession of his jurisdiction, or to administer in it the laws of the church. The Committee will be pleased to observe, that I recognize in the Pope the naked right to do so; but yet I think the exercise of that right is morally impossible.

Do you recollect any instance within the last thirty years in which a foreigner has been appointed to a see in Ireland?—Not one; there has not been a foreigner appointed to a see in Ireland, as I recollect, since about the middle of the seventeenth century; there might have been one then, but only one, nor am I certain that he was appointed.

Was not there an instance in the year 1794 of a foreigner being appointed?—I do not know it; if there was, as there might be, it was not known to me.

By a convention of the government of France with the see of Rome, a provision was made, that no person but a native of France should be appointed to any prelacy within that kingdom?—A very reasonable provision.

You think there could be no objection to a similar provision with respect to Ireland?—Undoubtedly not; I should wish it very much; I think it is most just and reasonable.

Could that provision be made by the Roman Catholic prelates in Ireland without the consent of the see of Rome?—No; how could we have power to take from the Pope the naked right which we state to exist in him; but I believe I mentioned before, and I repeat again, that if matters at home were put into a train of settlement, the British government would find not the least difficulty in entering into a *concordat* with the Pope, whereby he would relinquish for ever the right to appoint a foreigner to a see in this country.

Do you conceive the Oath taken by a Roman Catholic prelate upon his appointment could be modified without the consent of the Pope?—Not without the consent of the Pope, but the Pope has already modified it; there was a part of it which was objectionable, some persons did not understand it in the way we did; this was represented to the Pope in the life-time of the late Doctor Troy in Dublin, and a rescript was sent from Rome; whereby such clause of the oath was modified to the satisfaction, I believe, of every person interested about it. If a further modifica-

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tion of the oath, or the substitution of a new one in place of the old one, were required by the British government of the Pope, I have no doubt whatever he would accede to it, for there is nothing particularly amiable in the oath we take at present; and the object of it could be as well secured by an oath to consist of four lines.

It could not be modified without a previous communication with the see of Rome, and without the consent of the see of Rome?—Oh, no, it could not.

You have already said, that the principle of domestic nomination appears to you to be a reasonable one?—Unquestionably, a reasonable one.

If that could be effected without any violence to any principle of religion, or without interfering in any disrespectful manner with the authority of the Pope, you would think it would be a desirable thing?—I do think it quite desirable; to an arrangement of that kind we might give a provisional consent, but only that.

Do you think there would be any objection raised to an arrangement of this kind, suppose the Crown were empowered to appoint a commission, consisting of a certain number of bishops of the Roman Catholic church, and to name that commission from time to time, that then it should be required that no person should hereafter be nominated either to a bishopric, or to any function in the Roman Catholic church, unless this commission should certify to the Crown, either as to the loyalty, or as to the domestic appointment and education of that person, or as to all those circumstances?—It is a matter of so much moment that I would hesitate to give an opinion about it; I know a commission of that kind is, in its nature, one that would not be very acceptable to us in Ireland, because we know that ecclesiastics are perhaps as much if not more liable to be influenced by the Crown than any other description of men; and we would fear that if any intention hostile to our religion were entertained, those men would become the tools of others in effecting that work; and I think it is a matter that would be objected to strongly by us, though in itself it may be perfectly unobjectionable.

It was not intended in the question that any power of nomination, or of setting aside the nomination, should grow out of the recommendation of that commission, but only that before the person was admitted to the exercise of those functions, that commission should certify that he was a loyal person, and that he was educated at home?—Such arrangement might be perfectly unobjectionable, and I cannot say it would not be so; but this I know, that any thing to be done previous to the appointment of a bishop would be looked upon in Ireland with suspicion; and I myself being extremely young compared with my brethren, and very insignificant in every point of view, I would think that as Doctor Curtis and Doctor Murray, who are men of age and experience, and of great weight with their brethren, happen to be in town, it would be much better to take their opinion upon it than mine, because such their opinion would be in itself deserving of greater attention than mine, and would have much more weight with their brethren.

If there should be an objection felt to an arrangement of that kind, you think it would not be an objection growing out of the nature of the Roman Catholic religion, but an objection of a political kind?—Not certainly out of the Catholic religion.

If there should be coupled with a general measure for the settlement of the Roman Catholic question you have alluded to, in the course of your examination, any arrangement made for a provision for the Roman Catholic clergy by the State, do you think there can be any objection to this, that before that provision should be received, or before any person should be entitled to claim it, there should be a certificate from a commission, such as has been already alluded to, of the loyalty and domestic education and nomination of that bishop?—To that I, for my part, could have no objection; indeed I think it very reasonable, that before a man could eat the bread of the state, the King of that state should have a full and perfect knowledge of who he was.

You have already mentioned that, in order to make the influence of the Roman Catholic clergy efficacious for the purposes of the public good, they should preserve their character of independence, of which every body must feel the good sense; but do you conceive that what is now about to be suggested would at all interfere with their so preserving an independent character, if, in the first place, a certain and fixed provision were allotted for the dignitaries of the Roman Catholic church; and if after that a table of the priesthood were to be arranged, not by name, but by classes; suppose you were to say there were to be three classes of them, who should have each of them a different rate of salary, so that one-tenth of them should be the first class; four-tenths of them the second class; and the remaining five-tenths,

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five-tenths, the third class ; would you think it at all interfering with the independence of character of the priesthood, if through such a commission as has been mentioned, persons were to be certified to the government, upon their admission to those classes, not giving the government any power but that of receiving a certificate from such commission, of the fitness of the person?—I think respecting them, as I before thought respecting the bishops, namely, that before they received a salary from the state every thing respecting them which the Crown wished to be informed of, ought to be communicated to it.

In the course of your last examination, you gave it as your opinion, that in case there should be any provision for the Roman Catholic priesthood made by the State, and that there should be a classification of parishes, with respect to the amount of the stipend paid to the incumbent in each parish, it would still be necessary to leave to the Roman Catholic prelate of the diocese an absolute control over the appointment of the priesthood, and over their transfer from one parish to another, of greater value?—I did state that ; nor do I think such control would at all interfere with what has just been enquired into, because when a man would be appointed, by the bishop having this control, it might be made obligatory on him, the bishop, to notify to the commission the description of person so appointed ; and until such notification had been made, he might not be entitled to receive any thing, notwithstanding his appointment by the bishop. I added, that when such appointment would be made of this person, he should not continue there, and be permitted to receive his salary, independent of the bishop ; so that although he might commit a canonical fault, for which he would deserve to be dismissed from his parish, he would still be entitled to receive the salary, to the exclusion of the man who might be placed to succeed him ; I would therefore desire, that if a priest were placed in a parish, and thereby entitled to receive his salary during his life-time, that in case the bishop notified that such a person was suspended by him, or otherwise removed from his situation, or that he had been obliged to resign it through infirmity or incapacity, and that another had been appointed in his place, I would desire, that this statement of his bishop should be attended to by the commissioners, and that the person last appointed should become entitled to the salary, and that the former person, though originally entitled to it, should lose his right.

Supposing the bishop were to appoint an individual priest to a certain parish, do you propose that the exercise of his functions in that parish should be suspended until the commission had certified his loyalty to government ; or do you mean, that the receipt of a stipend from the Crown should be suspended until that certificate were received?—No ; upon the priest being appointed to a parish, I conceive that he should produce to the commission the title by which he was appointed, and that then they would state to government what kind of person he was ; and upon such statement being made, that he should be entitled to receive the salary. I also think that, if afterwards such priest should misbehave, or become incapable of discharging his duty as a parish priest, the bishop should have henceforth, as he has at present, a power of punishing him, and even removing him from his situation altogether, and placing another in his stead ; in which event I would expect that this man so removed from his situation would no longer be entitled to the salary ; but that the person appointed by the bishop to succeed him, should acquire a right thereto, upon producing his title, but not before.

Supposing a prelate were to appoint a person, and that the commission were to withhold his certificate to government, in what situation would the person appointed be?—In that case there would be two remedies ; first, the bishop might guard against the inconvenience, because he could give the appointment to the parish only provisionally, that is, he could appoint a priest to the parish, on proviso that he was approved of by the commission ; so that in case they did not approve of him, he ceased to be the titular of that parish ; or if the bishop pleased to give him an absolute title to the parish, and the commission afterwards disapproved of him, in that case the man would continue to live in the parish, and support himself in the best manner he could.

What is the process of canonical removal?—If a priest, for instance, commit violence upon one of his parishioners, or if he get intoxicated publicly, a complaint is lodged with the bishop, by the person who has been witness of the excess, or who has sustained the injury ; the bishop writes to this person, or sends him a general

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citation to come before him; the person making the accusation, or a second person, proves upon oath, before the bishop, if his word be not taken, that he received this injury, or that he saw this excess; and upon that, the bishop has a right to suspend that priest from his office, or to remove him altogether, if it be a very heinous offence.

What is the nature of the certificate, which you think the proposed commission might give to the government?—I do not know the words which should compose it; they might set forth, That the bearer is to our knowledge, or that he has been reported to us by his bishop of such a place, to be a moral man, a peaceable and loyal subject. Something equivalent to that would be sufficient; but it would not be my business to frame such certificate.

If you would admit the appointment of such a commission, for the purpose of giving to government a security with respect to the peaceable conduct and loyalty of the priest to be appointed, it is presumed you would have no objection to the same security being given by that commission, with respect to the character of a prelate to be appointed?—Yes, I would have a vast difficulty.

Will you explain why, permitting the interference of such commission with respect to a priest, you would object to it in respect to a prelate?—In the first place, the priests are very numerous, and it is very possible that a person of objectionable character might obtrude himself into a parish, on account of the neglect of the bishop, or the influence of others; and therefore I think there might be persons against whom it would be necessary to guard. In the second place, I think a matter of that kind would operate as an insult, in some degree, to that individual, but one that he would merit; yet I would not regard that in any degree as resting upon the order to which he would belong. In the third place, I think very decidedly, that the government might think it worth their while to influence the election of a bishop, but I think they would never descend to an interference, in that indirect way, with the very trifling office of parish priest in Ireland. These are the reasons which occur to me at present, and these appear to me quite sufficient, why I should establish that distinction in my mind. The order or office of bishop is so much raised over that of a parish priest, that an argument with regard to the one class, cannot in any case apply to the other.

Your objection is, with respect to a certificate being required of the loyal character of the bishop?—Yes.

Would the same reasons apply to a certificate of his having been born in Ireland, or educated in Ireland, or of his domestic nomination?—No, I should have no objection to that being included in the certificate.

In fact, the nomination of the bishops being domestic, the loyalty of the priest being provided, the loyalty of the prelates would also be provided for?—Very true, because the bishop springs out of the priesthood.

In the event of that order of things which has been described, being established, the prelate would, in the capacity of priest, have already obtained a certificate of his loyalty, through the medium of his commission?—Certainly.

Would you allow a certificate, that the priest or prelate about to be appointed, had been educated in Ireland, and that that certificate should be a *sine qua non* of his subsequent appointment?—I think, by introducing that, you go to exclude from the Irish church, perhaps, some of the most deserving prelates who may hereafter live in it; for instance, a young man may go through a course of studies in Ireland, and he may afterwards go abroad, and study at a foreign university, in order to perfect himself in knowledge; now, if such a regulation as is mentioned were made, that priest so improved by travelling abroad, becoming acquainted with other languages, and extending his knowledge of those sciences with which he ought to be particularly conversant, would be excluded from a dignified office in Ireland; that, I think, would be very painful.

Supposing there was a power given to the government of the country, on the recommendation of the Commissioners, of dispensing with that condition, in the case of any person of exemplary merit, should you then see any objection to it?—In our church, the idea of dispensing with any established law is very odious, particularly since the holding of the Council of Trent; dispensations are looked upon with great jealousy; we consider every use of them as tending to relax the salutary discipline of the church.

Suppose it was wound up in the law itself, that no person should be appointed without

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without a certificate of domestic nomination, except a person so recommended, it would then not be a dispensation, but an exception?—If there should be a particular case of that sort provided for by law, I cannot decide; but as to vesting in the Crown a right of dispensing with the law, it is a principle which I, bred an ecclesiastic, and having a kind of horror of dispensations, do not like to see placed any where.

Do you think it desirable, that either by a provision of this kind, or by an Act, the ecclesiastics of this country should be excluded from foreign education?—I think it is very advantageous to young ecclesiastics to travel abroad, and to spend some time at universities; I may be wrong in that opinion, for I have received myself a foreign education, and I may be on that account partial to it; but, however, I am of opinion, that men's minds are much enlarged, and their feelings much improved, by residing in foreign countries for some time, and by comparing the institutions of those countries with our own; travelling holds out many advantages which naturally flow into the mind, by communication with mankind. I think it would therefore be a great injury to the Catholic church, to have men who might have studied abroad, excluded from any office; at the same time I beg to remark, that there is no class of men who could be possibly employed at home in our church, who would be so much attached to this country and its institutions, as those who had lived abroad. I myself never would have loved the British Constitution so much as I do, had I not been acquainted with the forms of government which prevail in the countries where I have resided. It is by comparison with other institutions, that the excellence of our own is best known; and I would wish that many people might travel abroad, and compare what prevails in foreign countries, with what prevails at home, amongst those who enjoy a full participation of our admirable constitution.

You have already said, that any objection growing out of those reasons is rather of a political nature, than growing out of the Catholic religion?—It is chiefly of a political nature.

If the question, commonly called Catholic Emancipation, were carried, are you of opinion that religious differences would cease to agitate the public mind in Ireland?—I am very confident they would.

Do the lower orders of the Irish take much interest in the question of the penal laws?—I know no class or description of people in Ireland who do not feel a very strong interest in the repeal of the penal laws; those, perhaps, who understand the nature of them least, are most anxious for their repeal.

Is it your opinion, that the question of Catholic Emancipation has excited a general interest among the lower orders of the Catholics in Ireland?—As far as I am acquainted with the lower orders of the people, and I am acquainted with them extensively, I do not suppose there is a man, a woman, or even a child, who thinks upon any subject, who does not feel an interest in the question of Catholic Emancipation.

Is it not known to you, that a copy of the Catholic petition that has been presented to Parliament, is hung up very generally at the present time, in the cabins of the Irish peasantry?—I dare say it is.

If an impression exists amongst the public in England, that the lower orders in Ireland do not feel deeply interested in the success of the Catholic question, do not you suppose that impression to be an erroneous one?—Unquestionably it is erroneous.

Is not the exclusion of the higher orders of Catholics from the highest offices of the State, considered by the lower orders of the Catholics, as a mark of infamy and degradation affixed on their whole body?—It is so considered by them.

What effect do you conceive the carrying of emancipation will have upon the tranquillity of the country?—I think, if emancipation were carried, that the whole of the Catholic population would consider their grievances, as it were, at an end, and those obstacles which exist to the improvement of their condition, and the general interest of the country, as removed; and that they would look with great confidence, and at the same time with unwearied patience, for the improvement of their own condition. I am also quite confident it would produce in them a feeling of satisfaction, of confidence and affection towards Government, greater than has ever been experienced almost in any country.

What effect do you conceive Catholic Emancipation would have, in inducing the feelings of the country to turn, and become established in favour of the connection between Ireland and England?—I think the carrying of the measure would make every

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every man in Ireland sit down quite secure, to devote his time and his attention to his own interests, and the great interests of the country at large; and I do think, that the people of England, finding Ireland tranquil and likely to continue so, would then naturally turn their attention to that country, travel into it, view its beauties, become acquainted with its natural resources, and be induced to vest their capital, and employ their skill in the improvement of it.

You have had, as a Roman Catholic bishop, much opportunity of intercourse with the Roman Catholic bishops and clergy, and of speaking to them on subjects connected with their religion, as it affects the State; upon the entire of your communication with them, have you any reason to think that there is any wish or object, on their part, hostile to the Protestant established religion?—I have never discerned in any class, or in any individual of the Catholic religion, either clergy or laity, I might say, any disposition hostile to the Protestant established religion; on the contrary, I know they have frequently deplored with me, the progress of sectaries; and that the characters of the Protestants were likely to be changed, by many of them falling off from the Established church.

Have you read a recent publication, entitled, “Letters on the State of Ireland, by J. K. L.”?—I have seen it.

Do you hold the same opinions, with respect to the Established church, with the author of those letters?—I dare say I do.

Do you hold the same opinion, with respect to the elective franchise and the effect of attempts to disfranchise the 40s. freeholders, which are held by the author of those letters?—Upon that subject, as I happen to be an ecclesiastic, if the Committee would indulge me by permitting me not to express an opinion, they would favour me much. In this place I would wish, that any testimony I am called upon to give, should not be of a political kind; for if ever I took a part in political discussions, it was with great reluctance, and only until the difficulties under which the country laboured enabled me to return to that privacy in which I always wish to live. To give an opinion as to the 40s. freeholders would be rather a political one, than one connected with religion; therefore if the Committee will indulge me in my own inclination, I should much rather not give an opinion; merely for this reason, that it is a political question, and that I am an ecclesiastic.

The opinions, with respect to the Established church that are maintained in those letters, are opinions held by you?—My opinions, with regard to the Established church, if by the Established church is meant the temporal establishment of it, unquestionably are those which are expressed there; but if by the Established church is understood a church of religionists, professing a certain religious creed, I esteem them in that character more than any description or class of Christians in the universe, outside my own church.

When the Committee ask, whether those opinions are held by you, they mean, of course, to include any qualification that may be contained in those letters?—I made the distinction, lest, as there may appear in that work, to which the Committee have alluded, a strong feeling of opposition to the Establishment of the church, my answer might go to convey an impression to the Committee, and through the evidence, to the public, that I am as hostile to the Establishment, in a religious point of view, as the writer of the letters seems to be to the temporal goods of the Established church; in a word, I have a high esteem, and the highest respect for the whole constitution of the Established church, and even for many of its clergy; but the same feelings that I have for the constitution of the church, and for many of its clergy, and for those who profess the creed of the Establishment, I have not towards the temporalities of that Establishment in Ireland.

Have you any objection to state your opinion, with respect to the title of the bishops of the church of England to the exercise of their ecclesiastical powers?—It is an article of the Catholic creed, I may call it an *article* of our creed, that communion with the Holy See is necessary for the rightful exercise of spiritual jurisdiction in the church: and as the Established church is not in communion with the see of Rome, I would cease to be a Catholic, if I did not say, that I believed they want that spiritual jurisdiction which is only found in the body of the Catholic church. That is a tenet of my religion as a Catholic, still they may be validly ordained, and they have certainly a legal, just, and good right, to the property they hold.

Do you deny the spiritual character of the bishops of our church?—I do not deny the spiritual character of the bishops of any church, because it is the ordina-
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tion that gives the spiritual character ; but the spiritual character is one thing, and the exercise of a spiritual jurisdiction is another. I can best illustrate it by what I was speaking of just now regarding a priest, who when he is ordained, receives as it were a radical power to administer the sacrament of penance, or to absolve sinners who are contrite, from their guilt ; but unless he get jurisdiction from the bishop to exercise that power within a certain district, or over certain individuals, he cannot exercise it. So in like manner I consider, that in the Established church the bishops may be real bishops, as much so as I am myself ; but I think the spiritual jurisdiction whereby they can administer, for instance, the power of absolving the sinner from his guilt, they cannot have outside the Catholic church. It is therefore that I think that the separation of the church of England from the church of Rome is a most lamentable misfortune ; but that opinion I entertain as a Catholic, whilst a Protestant gentleman, of infinitely more learning and greater knowledge, may think that my opinion upon the subject is quite idle.

Is the regular apostolic succession of importance, in that respect, to the spiritual character of a prelate ?—Not with regard to the spiritual character of the prelate, but it is with regard to the exercise of spiritual jurisdiction ; they are two things essentially distinct ; the one depends upon order, the other depends upon being united with the Catholic church, and receiving mission through it.

In the case of the conformity of a bishop of the Established religion to the Roman Catholic faith, would he be regarded by the Roman Catholic church as possessing the character of a bishop ?—In the Roman Catholic church, there is a gradation of orders ; in the Established church you recognize three, bishops, priests, and ministers ; we have bishops, priests, and ministers ; but this rank of minister contains four lesser orders. Now it is a universal practice with our church, that when a person comes from another church, who has not had his ordination through each of those orders, that we either ordain him altogether again, under condition, or that we supply what was omitted in the ordination or ritual of the church to which he had belonged. Thus if a Greek bishop, whom we certainly recognize to be a bishop as much as we are ourselves, came to us, we would supply all those defects, which we conceive to have occurred in his ordination and consecration. So in like manner, if a bishop of the Established church of England were to pass over to ours, as the ritual of the Established church differs from ours, we would supply in like manner the defects that may have occurred ; and as something respecting the Lambeth records is doubtful to us, we on that account, that there might be no doubt afterwards with regard to the validity of his ordination, would make him pass through the entire ordination ; but by doing so you will perceive that we pass no judgment upon the validity of his former ordination, we only consider that a certain fact has rendered the succession, even of orders, doubtful amongst the clergy of the Established church ; and whenever a doubt exists, we would remove it entirely from the Christian ministry, and re-ordain under condition. For example, if a child be exposed at the door of my parish chapel, it may have been baptized before, as it probably was, but yet lest it was not, I take it, and baptize it under condition ; so in like manner, if a bishop came to our church, with regard to whose ordination I have any the slightest doubt, I ordain him again under condition, lest by possibility he might not have been ordained ; and then that the acts performed by him in the discharge of his ministry might become invalid, to the great detriment of souls.

Suppose you had the most positive testimony that the child, so exposed, had been previously baptized by a minister of the Church of England, in that case should you go through the process again ?—No ; the baptism of a minister in the Church of England is as good as that of the Pope.

The repetition of the ceremony would only be in the case of a doubt ?—Only in the case of a doubt.

Supposing you were perfectly certain of the ordination of the bishop of the Established church, would it still be necessary to re-ordain him, in order to convey to him the rank of bishop in the Roman Catholic church ?—No ; but it would be necessary to do with him as we do with the Greek bishops, to supply the defects which occurred in his ordination, namely, to supply those four minor orders which are omitted in the Protestant ceremony.

Would any ceremony of episcopal ordination have to be gone through ?—By no means.

Would he then have the power of conferring orders in the Catholic church, as a bishop ?—By all means he would.

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Are there any Roman Catholic prelates in Ireland, who have the order of bishops, but who are not attached to any diocese, either as bishop or coadjutor?—Not one; nor have there been for several centuries.

Was not the late Lord Dunboyle bishop of Cork?—He separated from us, and he remained bishop during his life.

Are any vicars apostolic in England, bishops *in partibus*?—I believe every one of them.

It appears that, by a *concordat* between the government of France and the see of Rome in 1800, it was provided, that no national council should be held in France without communication with the government, and the consent of the government; could a national council upon religious matters be held in Ireland now, according to the constitution of the Roman Catholic church?—I do not know that there exists a law prohibiting us from holding a council in these countries; I have never known of it, nor has it ever been intimated to me that there was such a law.

You are speaking of the statute law?—Yes.

It would be quite consistent with the discipline and doctrine of the Roman Catholic church, to hold such a council, in case the interests of religion required it?—By all means.

What would be the means of convoking such a council?—The Metropolitans agreeing with each other, or the Primate, that is, the archbishop of Armagh (though we do not recognize him as having a jurisdiction over us), still we would, through respect for his office, assemble, if he called us together. In our church, the jurisdiction of the metropolitan bishops over their suffragans has been greatly lessened by the Council of Trent; and as to the jurisdiction of the Primate of all Ireland over the entire Church of Ireland, that, I might say, has ceased altogether, from the time of St. Lawrence O'Toole; in fact, the office of primate in the Catholic church has gone into disuse, I might say entirely; and they have become simple metropolitans.

If a council of that kind was held, would you esteem it a national council, or an ecumenical council?—A national council.

Could an ecumenical council be called, without the authority of the Pope?—No.

Would it be consistent with the doctrine and discipline of the Catholic faith, for the Pope to appoint a nuncio or legate, or any officer of that nature, to communicate with the Roman Catholic prelates of Ireland, or with a national council?—On the contrary, it is quite in accordance with our discipline, that he should do so.

Has there been any instance of the appointment of a nuncio or legate, since the appointment of Rentocchine?—No; and he came here as a political emissary, and did a great deal of mischief.

Upon any matter relating to the interests of the Roman Catholic church, such an appointment might be made by the see of Rome?—Certainly it might be made; but no nuncio would come to reside in these countries, because his residence here is illegal; besides, he is a sort of ambassador from the Pope, and he would not demean his master, by coming into a country where he could not live with the honour that generally attends an envoy from the Pope.

It was supposed, that the nuncio or the legate should be commissioned not to communicate with the King, but to communicate with the national council of bishops, or with the bishops individually?—The Pope might send one for a special purpose, to remain for a short time, and in a private capacity, but he would not give him the title of legate, which is the most honorary distinction that an agent from the court of Rome can have; he might, as I have said, send an individual as a nuncio, but not to reside permanently in the country.

Had Doctor Hussey no such character?—Never.

Had he no character of political agent?—Not that I ever heard or knew of; and I am very confident he had not.

Was there any thing in the conduct of the Roman Catholics, in your opinion, during the reigns of the Stuarts, that justified the English Parliament in passing the penal laws against them?—Yes; I think at that time, the connection of the Roman Catholics with the Stuarts, was such as justified, and even made it necessary for the English government to pass some penal laws against the Catholics; such as the excluding them from offices of trust, and perhaps even from the councils of the Sovereign; but I think that the necessity which existed, and which certainly would justify, perhaps demand of the government, to pass certain restrictive laws against

against the Roman Catholics, could not justify them in passing the very harsh and unnatural laws which abounded in the penal code.

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Inasmuch as that conduct was hostile to the principle of the constitution of England, and civil liberty, are you of opinion, that they were in that degree justifiable?—I do think they were justifiable; nay, that it was their duty to pass restrictive laws against the Catholics, considering the political principles of the Catholics at that period.

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Do you think there would be any objection, in case the question of Catholic Emancipation should be carried, to the re-enactment of such laws, with respect to the Roman Catholic church, as were enforced in this country, when that religion was the established religion of the state?—I am but very imperfectly acquainted with the state of the laws at that period, in England, but from the knowledge that I have of them, and it is very imperfect, I should think not; however, the laws at that period regarded chiefly the appointment to benefices and alienations of them, and giving situations, to which emoluments were attached; now the title of the Catholic Church to every thing of that kind has long since been extinct, and never can be revived; and to re-enact those laws, would be like making laws to regulate the winds; they would have no subject matter on which to act.

There were very strict laws enforced previously to the Reformation, with respect to the admission of documents into this country from the see of Rome?—What I said before, I should think, is the same that I would be disposed to say again: namely, that with regard to communications from Rome, as far as I am personally concerned, I really cannot see what objection I could have, or ought to have to any restriction of any kind whatsoever that might be imposed upon them, provided they were permitted to come into my hands, and I might see the purport of them. I was going to observe, that at that time such restrictions were exceedingly necessary, as the Popes at that period pretended to have in this country rights and privileges, which are now utterly abolished, and never can be revived; on that account, it was very necessary that his correspondence with this country should be carefully watched, and an interference with the rights of the country and the rights of the Crown strictly guarded against; but at present, when no such right on the part of the Pope is pretended to, such laws as then existed cannot be thought necessary; but if they were thought necessary, I could not have any objection to them.

When were those powers formally disavowed by the Pope?—I do not know that they were ever formally disavowed by the Pope, nor do I suppose that they have been, nor was it necessary they should, because they have long since gone into disuse, and other laws have been enacted in the Church, which supposed their total abolition.

Where can the Committee find the laws which now define the powers or pretensions of the see of Rome, with respect to foreign countries?—We can best find them in the usages of the different churches in Europe; and we are not bound to recognize any of those ancient laws, which at all affected temporal rights.

Do the usages of the different States of Europe determine the power of the see of Rome?—Yes, the usages of each country respectively; for instance, in Spain, a usage, I think, is, that the Pope should have the nomination to certain dignities in each chapter, upon their becoming vacant; also, that he should have the power generally, through that kingdom, to nominate to benefices which become vacant in one particular month, or two months of the year; that is the usage of the Spanish church. In France, for instance, I believe he has no power to nominate to any benefice, either in the cathedral or out of it; thus the usage of one church grants one thing, and the usage of another church denies the same thing to him in another country.

Can you state an instance of any country in Europe, being a Protestant country, in which there exist Roman Catholic prelates, with a provision of any kind from the State, in which the see of Rome does not permit a direct interference, on the part of the Protestant sovereign, in the appointment of the Roman Catholic prelates?—The only one that I know of is that of the king of the Netherlands, within his dominions; there has no arrangement as yet been come to upon the subject; and therefore, that is one State where the king is not recognized to have any authority whatever, with regard to the appointment of bishops; and certainly if a see were vacant in the Netherlands, the Pope could appoint to it, but whether the bishop appointed could take possession of it, that is another thing; perhaps the king might prevent it.

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Are you aware, that a negotiation has been pending for some years, between the king of the Netherlands and the see of Rome?—Yes; and I was sorry to hear it had been broken off.

Do you know whether in the Netherlands the Roman Catholic prelates have legal rights and possessions, or whether they rest upon the same footing on which the Roman Catholic prelates here do?—In Flanders they have legal rights and possessions.

In that respect they differ from the Roman Catholic prelates in this country, all whose possessions are dependant upon the payments of their flock?—Yes.

If the Roman Catholic prelates were, under any Act, to receive salaries from the State, does not it strike you, that it would make a considerable difference as to the propriety of some interference on the part of the Crown in their appointment, either by regulation or by refusal?—I think I replied to that question in substance, by saying, that I thought it just and reasonable, before a Roman Catholic, appointed here to a see, should receive any emolument from the State, that it should be certified to the Crown, that he was a loyal and peaceable subject, by such commission or persons as His Majesty might think competent to report to him with regard to it.

You observe now, that the Committee are not asking with reference to the propriety of the person who is to be appointed, having been born in these countries, or having been educated in these countries; but they are asking now, merely as to the propriety of his nomination belonging to a domestic body; would you think it reasonable, in the event of a provision being made for the clergy, that it should form a part of the certificate that the Government should have, not only that he was loyal, but that he had been postulated by a domestic body?—I before answered that, I thought it most desirable, as well as most reasonable, that his appointment should be domestic.

Do you think, in case the question of Roman Catholic Emancipation were settled so far as regards the removal of political disabilities, that there ought to remain any restriction with respect to the public exercise of the Roman Catholic religion in Ireland, any restriction as to processions, or the performance, in the most public manner, of the ceremonies of that religion?—I think, wherever different religionists are living in the same country, the carrying abroad in the open air, and exposing to public view the ceremonies of any religion, is not consistent with sound sense, or that prudence which ought always to govern States; and therefore I think, that those processions in the open air, outside the precincts of a church, ought to be guarded against, even by law, if it were thought advisable; and to that I would make no exception, except as to the attendance of clergymen at funerals, and that attendance I would have so regulated, that his clerical dress, and the external shew which attends the performance of that rite, should be exhibited only at the burial place, and not paraded through the streets, or through any place where it could offend the view, or hurt the feelings of persons of different religious persuasions.

You think there would be no objection to the enactment of provisions upon that head?—Really, I think it would be desirable they should be enacted, for the indiscretion of foolish men, by parading those things abroad, might create feelings in the community which would tend to evil; I should wish that such provisions were made.

Do you think it should be a part of Catholic Emancipation, that the Roman Catholic Bishops should sit in the House of Lords?—On the contrary, I think it would be most pernicious to the public interest, both political and religious, that they should ever sit in it.

You have been examined upon the subject of the kingdom of the Netherlands; you are aware, that in the Catholic provinces, which form a considerable portion of the kingdom of the Netherlands, and which have lately been united to the former state of the United Provinces, the established religion is the Catholic religion?—It is.

If then in those provinces, the result of a *concordat* with the see of Rome were to give to the sovereign of the country (a Protestant sovereign) the nomination to the sees in those Catholic parts of his dominions, do you conceive there would be any objection, except a political objection, to such an arrangement being made with respect to Ireland; in a word, do you conceive that it would be perfectly consistent with the discipline of the church of Rome?—We are reasoning upon a hypothetical case, namely, that the Pope would enter into a *concordat* of that kind with the King of the Netherlands; but admitting that he did, I not knowing the circumstances

stances of the Netherlands, or the reasons which might influence the parties contracting, cannot say whether it would be a precedent on which I would decide, in my judgment as to what ought to be done with regard to Ireland. But I repeat what I have before said, that looking to Ireland as I do, both in a political and religious point of view, I think the interference of the Crown in the appointment of the Catholic bishops, directly or indirectly, would be extremely injurious in its tendency, at least to the interests of religion; and I do aver, in the presence of the Committee, that I think it would be still more injurious to the interests of the State.

It might, however, take place consistently with the discipline of the church?—I mentioned before, that if the Pope entered into such a *concordat* with regard to Ireland, that I should have one remedy, and that it would not be painful to me to resort to that; I would express my opinion in the most respectful manner to his Holiness, and then if it were not attended to, I would give in my resignation, which I have no doubt would be accepted.

You are not aware how the nominations are made in those churches in the Netherlands?—I am not.

You stated, that the right of appointment to the vacant sees in Ireland, was vested in the lineal descendants of Charles the First, until they became extinct?—I fear that I must have been mistaken, for certainly I do not wish to convey that idea; I said that the sovereigns of this country, whether the Tudors or Stuarts, who were Catholics, had, as far as I can judge, the right of presentation to the sees in Ireland; but after the Stuarts ceased to be the sovereigns of these countries, I think then, if their recommendations were attended to, it was a matter of courtesy rather than of obligation on the part of the Pope; for the right which he recognized in the Stuarts, to present to the sees in Ireland and England, whilst they were Catholics, he must have recognized in them because they were the sovereigns of these countries. Now when they ceased to be sovereigns, and to have jurisdiction in the country, I think if he still continued to pay attention to their recommendations, it was not in consequence of a right which he recognized to exist in them, but through a deference to their high though fallen state; I know, however, that he did practically attend, in some instances at least, to their recommendation.

Did he attend to the recommendation of the last Pretender, and of Cardinal York?—Not of Cardinal York; I never heard of his interfering; but I know, as a matter of history, that Bishop Burke, who lived in Ossory, and who wrote a work that is in the hands of all, called *Hibernia Dominicana*, was recommended to the see of Ossory by the late Pretender, and that it was in consequence of that recommendation that he was appointed; at least I have known this from authority; but since that appointment, there has not one taken place in Ireland, to my knowledge, (and it is a matter I inquired into very diligently for some years past,) which did not originate in Ireland.

In stating your opinion with respect to the Protestant hierarchy, you took a distinction between their spiritual and their temporal possessions, and you stated, that however highly you respected their spiritual character, as a denomination of Christians whom, next to your own, you held entitled to respect, you considered the subject as capable of being looked at in a different point of view, with respect to their temporal possessions; do you, or as well as you can form a judgment, does any clergyman of the Roman Catholic church, at all entertain any notion of transferring the possessions of the Established church to the Roman Catholic church?—I never heard, nor do I believe there exists in the mind of any clergyman of any rank, any disposition to receive, or to ask, or to seek to obtain, by any means whatever, the possession of the temporal goods of the Established church in Ireland; and I will add, that for myself, and as far as I have been able to obtain a knowledge of the feelings of those of the clergy with whom I am conversant, I believe it is their opinion, as well as mine, that were a portion of those goods offered to us, we would decline accepting of them.

Supposing the tithes now received by the Protestant church, were proposed to be transferred to the Roman Catholic church?—Unquestionably I would not accept of them.

Is it not one of the commandments of the church, to pay tithes to our pastor?—That is a command of the church, which is found written in catechisms published where tithes were paid; but where tithes are not paid, the command in the catechism signifies, or is, “contribute to the support of your pastor.”

It was modified into those words in the year 1817, but the other is reprinted in the recent editions of the Douay catechisms?—I have not a control over printers;

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but I do not believe it has ever led any one into an idea that the Catholic clergyman was to be paid by tithes, for we claim our support upon much higher authority than that upon which tithe rests. Our claim to support is founded upon the law of Nature and of God, That the labourer is worthy of his hire; and upon the saying of the Apostle, "Thou shalt not muzzle the ox that treadeth out the corn," and "He that serveth the altar shall live by the altar." These are the texts of scripture, which, as well as the arguments from reason, we adduce to show we are entitled to some kind of compensation for devoting to the service of the people our talents, our time, and our labour.

Are not those commandments of the church considered of equal authority with the commandments of the Table?—The commands of the church are, first, to hear mass on Sundays and Holidays; now the law of God obliges us to sanctify the Lord's-day; and the church holds, that one part at least of that duty prescribed by the law of God is to be fulfilled by assisting at the celebration of mass. In the second place, "Go to receive your communion at least once in a year;" now we conceive that God ordained that we should approach to the Holy Sacrament frequently, or at least sometimes in the course of our life; and hence the Council of Lateran ordained, that every Christian should go to communion at least once in the year. Thus, then, the commandments of the church are only applications of the commandments of God, as to time, place, and circumstances.

Are not they enforced, under pain of mortal sin?—The commandments of the church are enforced under pain of mortal sin, such of them as are capable of binding a man's conscience by virtue of the law of God, on which they are founded; but, for instance, that "contribute to the support of your pastors," does not bind every man under pain of mortal sin, for we discharge all the duties of our office towards the members of our church, without receiving any compensation at all from a great number of them; and they are bound to contribute to our support only in proportion to their means. Thus then we are to understand those commands of the church, as being applications as it were of the law of God, binding us in such degree as we ourselves can plainly infer from that law of Nature or of God, from which those commandments of the church are derived.

In an abstract of the Douay Catechism, now before the Committee, there are no exceptions stated; are not the members of the Catholic church bound under mortal sin, to keep those commandments of the Catholic church?—I can give no further explanation of what I stated as the exposition of that commandment, which exposition common sense and reason dictate, and there is no person can understand it otherwise; for surely a poor man, who does not contribute any thing to the support of his pastor, cannot conceive himself as guilty of mortal sin, whereas he is neither desired to do it, nor permitted to do it, nor required to do it; but the commandment of going to communion, at least once a year, he understands as binding him, under pain of mortal sin, for the reasons already stated; so these are matters which, I should hope, would not lead any rational person into error.

ELEVENTH DAY.

Martis, 22^o die Martii 1825.

LORD VISCOUNT PALMERSTON

IN THE CHAIR.

The Most Reverend *Patrick Curtis, D.D.* Titular Archbishop of Armagh, called in and examined.

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HOW many years have you been Catholic Archbishop of Armagh?—The last six years.

Will you be so good as to explain to the Committee, the nature and origin of the authority of the Pope?—A Roman Catholic believes, and it is an article of his faith, that the Pope is the successor of St. Peter, who was constituted head of the Apostolic College, the college of the Apostles; and that the Popes succeed to him, the same as the Bishops succeed to the Apostles, and that he has the same superiority, which we call supremacy, the exercise of which is regulated by the canons of the church; he is no more than a Bishop, but the head or chief of them all, and of the whole church. We do not know him as a King or as a Sovereign, he is but a Bishop;

Bishop ; that is, religion only recognizes him as chief Bishop, and St. Peter was but an Apostle, yet chief among them ; but we suppose, and I think it is clear in the gospel, that he is constituted the head of the Apostles, and head of all Christians. Christ said, that on him he would build his church—on Peter—although Peter, as well as the church, was certainly fundamentally and effectually built on Christ, it is still very compatible, that the whole church should be built on him, Peter ; and that he, after his conversion (because he was to fall after that) was to confirm his brethren ; and that he was to feed Christ's lambs and his sheep ; that is, the common faithful and the doctors or pastors of the church. With respect to any thing else that he may have, of temporal authority, or his influence over kings and princes (whom he has sometimes deposed) he did very ill in doing that ; unless he did it in virtue of authority that was given or allowed him by themselves. The sovereigns that he generally deposed, were the emperors of the west ; the empire was translated from the east to the west. The sovereigns of the west were then very ignorant ; they were a set of intruders at that time, Goths and Vandals ; and they thought it necessary, that there should be a certain number of electors, mostly appointed by or sanctioned by the Pope ; he was one of the chief arbitrators himself ; and those people, in order to depose him (the emperor) often obtained the influence of the Pope, and so did the other Catholic sovereigns, who often applied to him for temporal as well as spiritual purposes ; the Popes all had, at that time, a great deal of temporal influence.

Is the claim, which the Popes set up to Temporal Authority, opposed to Scripture and Tradition ?—I do not think it is very conformable to it ; I do not say exactly that it was opposed to it ; but certainly he has received no such power from Christ. I do not say but he received it from men ; the same as he received the kingdom he has now, or at least the dukedom, the Papal territory. Whatever he had, or has of temporal power or authority, he received from men ; and, I believe, would have done better not to take it ; he became a great deal less influential man, as a spiritual chief, after receiving it, than before.

Does the obedience that Catholics owe to the Pope, detract from what is due by them to the State under which they live ?—By no means, we owe him no other than a spiritual authority, exercised according to the canons of the church, not arbitrarily, but according to the canons of the church, but we owe him no temporal obedience whatsoever.

Does the nature of the obedience that Catholics owe to the Pope, justify the objection, that their allegiance is divided to the States they live under ?—By no means, we never profess any allegiance to the Pope ; we take an oath at our consecration, of fidelity, as it is called ; what we mean to do is, to promise to him canonical obedience, and so does the priest to his bishop, and the bishop to his archbishop, but in a more limited degree.

Is the duty that Catholics owe to the Pope, and their duty to their King, really and substantially distinct ?—Entirely distinct ; and, regarding different subjects totally, they never ought to be confounded.

If the question, commonly called Emancipation, was carried, in your opinion would it have the effect of producing conciliation and tranquillity in Ireland ?—I really think it would have a direct tendency to that. There would seem then to be no sufficient motive for any persecution or contest, as it were, against the Catholics ; they are now put down merely to keep up an ascendancy. There would be always an ascendancy, but not an ascendancy carried forward in terms so repugnant, and so disagreeable. I believe it would serve to bring people together, and to make them forget their disputes ; that there would be few or no disputes in secular matters, and really none at all almost in religious matters, because the religious disputes are brought forward against Catholics, not for religious purposes, but for secular purposes, depend upon it.

The Most Reverend *Daniel Murray*, D. D. Roman Catholic Archbishop of Dublin, called in and examined.

HOW many years have you been Roman Catholic archbishop of Dublin ?—Since the decease of my predecessor, on the 11th of May 1823.

Were you coadjutor to the late Doctor Troy ?—I was.

How many years ?—Since the year 1809.

Will you be so good as to explain to the Committee, what is the nature and origin of the authority of the Pope ?—The origin of the authority of the Pope we hold to be

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be from God, who established a head of the church which he wished to appoint on earth ; the nature of his authority is, that he is the executive power of that church ; his office is to watch over and enforce the observance of the canons ; he is, besides, the centre of Catholic unity, the great link that holds together all the different parts of the Catholic body ; so that each Catholic throughout the world, finding himself in communion with the head of the church, may know thereby that he is in communion with the whole body.

Is his authority confined altogether to a spiritual authority ?—Wholly confined to a spiritual authority, according to the words of our Saviour, “ My kingdom is not of this world.”

Is that authority under the control of general councils ?—That authority is limited by the councils and canons of the church ; he is the executive power of the church, appointed to preside over it, and enforce its canons or laws. Those canons vest in individuals, for instance in bishops, certain rights, which of course, it is the duty of the Pope to protect, and not to violate ; his authority is thus limited by those canons.

To what extent, and in what manner, does a Catholic profess to obey the Pope ? Solely in spiritual matters, or in such mixed matters as came under his government, such as marriage for instance, which we hold to be a sacrament as well as a civil contract ; as it is a sacrament, it is a spiritual thing, and comes under the jurisdiction of the Pope ; of course he has authority over that spiritual part of it ; but this authority does not affect the civil rights of the individuals contracting.

Does this obedience detract from what is due by a Catholic to the state under which he lives ?—Not in the least ; the powers are wholly distinct.

Does it justify an objection that is made to Catholics, that their allegiance is divided ?—Their allegiance in civil matters is completely undivided.

Is the duty which the Catholic owes to the Pope, and the duty which he owes to the King, really and substantially distinct ?—Wholly distinct.

How far is the claim, that some Popes have set up to Temporal Authority, opposed to Scripture and Tradition ?—As far as it may have been exercised as coming from a right granted to him by God, it appears to me to be contrary to scripture and tradition ; but as far as it may have been exercised in consequence of a right conferred on him by the different Christian powers, who looked up to him at one time as the great parent of Christendom, who appointed him as the arbitrator of their concerns, many of whom submitted their kingdoms to him, and laid them at his feet, consenting to receive them back from him as fiefs, the case is different. The power that he exercised under that authority, of course passed away, when those temporal princes, who granted it, chose to withdraw it. His spiritual power does not allow him to dethrone kings, or to absolve their subjects from the allegiance due to them ; and any attempt of that kind I would consider contrary to scripture and tradition.

Does the Pope now dispose of temporal affairs within the kingdoms of any of the princes of the Continent ?—Not that I am aware of ; I am sure he does not.

Do the Catholic clergy admit that all the bulls of the Pope are entitled to obedience ?—They are entitled to a certain degree of reverence. If not contrary to our usages, or contrary to the law of God, of course they are entitled to obedience as coming from a superior. We owe obedience to a parent, we owe obedience to the King, we owe it to the law ; but if a parent, the King, or the law, were to order us to do any thing that is wrong, we would deem it a duty to say, as the Apostles did on another occasion, “ We ought to obey God rather than men.”

Are there circumstances under which the Catholic clergy would not obey a bull of the Pope ?—Most certainly.

What is the true meaning of the following words, in the creed of Pius the Fourth : “ I promise and swear true obedience to the Roman bishop, the successor of Saint Peter ?”—Canonical obedience, in the manner I have just described, within the sphere of his own authority.

What do the principles of the Catholic religion teach, in respect to the performance of civil duties ?—They teach that the performance of civil duties is a conscientious obligation which the law of God imposes on us.

Is the divine law then quite clear, as to the allegiance due by subjects to their prince ?—Quite clear.

In what books are to be found the most authentic exposition of the Faith of the Catholic church ?—In that very creed that has been mentioned, the creed of Pius the Fourth ; in the catechism which was published by the direction of the Council of Trent,

Trent; called "The Roman Catechism," or "The Catechism of the Council of Trent;" "An Exposition of the Catholic Faith, by the Bishop of Meaux, Bossuet;" "Verron's Rule of Faith;" "Holden's Analysis of Faith," and several others.

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The Committee have before them a Petition presented to the House of Commons, of the Dean and Chapter of the cathedral church at Peterborough; the petitioners say they consider as utterly unfounded, the allegation of the Romish church being at present less ambitious and less intolerant, than in former periods of its history; what observations would you be disposed to make upon that paragraph?—I consider it a very unfounded charge, which those who allege it should be bound to prove, or to retract. I do not think that any facts can be found to substantiate that charge; I conceive that the Catholic church is not intolerant, that the members of it are not marked by any peculiar degree of ambition; on the contrary, I find in them much humility, as much as in any other description of Christians. I consider the charge wholly unsupported by fact.

Is not the character of the Church, as referred to here, its political character, the character of the religion, of the ministers of the religion, and of the members of the religion, different to what it was some centuries ago?—I do not consider that the Church has by its constitution, any political character; as a church, I conceive that its object is wholly spiritual, the salvation of souls. I cannot conceive that it has any political character, except such as the State chuses to bestow upon it; our Church endeavours to educate its ministers with feelings of humility and a sense of devotion, rather than of ambition; and it teaches them to elevate themselves, by their zeal in promoting the salvation and happiness of men, rather than by any temporal pursuits.

In respect of Faith, has any change taken place?—With respect to Faith, there can be no change; the Faith of the Catholic church we consider invariable; its discipline is always changing, according to the local circumstances of the different kingdoms where it is placed.

You are disposed to deny, that at present, it is either ambitious or intolerant?—I wholly deny the charge.

The Committee have before them a recent publication, entitled, "Justification by Faith, in a course of Sermons, by the Reverend John William Whittaker;" those Sermons having been preached in the month of January 1825. The Committee will read a paragraph or two, and ask you for any observations you may think proper to make upon them. In the second Sermon are the following observations: page 30. "It has been above observed, that justification by works, implies that 'we shall be rewarded precisely to the extent in which our good actions exceed our bad ones;' from this it may be inferred, that any portion of the former will obliterate an equal quantity of the latter. The sermon proceeds, p, 31. "If this be true, (and it cannot be denied by one who avows a justification by *works alone*,) we have fairly established the merits of the Saints and works of supererogation, which our Church has unequivocally and laudably condemned in our fourteenth Article; those are the great bulwarks and strong holds of superstition. If a person once believe in those supererogatory funds of merit, it requires very little additional credulity to think, that the holy men to whom they belong, can transfer them to whom they please, or sell them, or bequeath them as a legacy to their successors. Hence came that Romish treasure-house of merit, accumulated by all the Saints in the calendar, which in the days of ignorance proved so lucrative. Hence the infamous traffic of indulgences and free pardons for sin, which by anticipating guilt, tempted men to commit vice, and under the pretence of religion, sanctioned the blackest crimes. Hence even the invocation of the Saints themselves, and all the blasphemies that attend this open and shameless idolatry." The Sermon proceeds and states, "These dreadful results would not, I am well aware, have followed that doctrine in an enlightened age, because persons of information invariably forsake their principles, when they lead them to contradict their understandings, always preferring inconsistency to absurdity. But they are the natural and luxuriant growth of an ignorant age; and we know by experience that, when they have once taken root, they continue to keep their ground, notwithstanding the present diffusion of knowledge." Does the Catholic church adopt the doctrine of justification by works alone?—I perceive, from the passage which has been read, that my answer must be somewhat at large, and I trust that the Committee will make allowance for the wounded feelings under which I find myself compelled to make that answer. I am really grieved that any Christian divine could be found to utter such a charge against so large a portion of his Christian brethren. It would

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appear from the first passage which has been read, that our idea of justification is, that if our good works overbalance our bad works, or if we perform a great quantity of good works, that will empower us to do a certain portion of bad works, and still leave us a sufficient fund for justification here, and salvation hereafter. I cannot find any language sufficiently strong to mark my abhorrence of that demoralizing doctrine. Not only is it true in our belief, that no quantity of good works or of virtues that can be practised, can ever give us liberty to commit a sin, but we believe that after a long life passed in the practice of every virtue, social and religious, one sin, one solitary grievous sin against the law of God, would be sufficient to blast the highest sanctity to which human nature, aided by grace, can arrive; and that after all that long life of virtue, this solitary sin would mark out the individual so committing it, to the anger of Almighty God here; and if he were to go impenitent in that state, into his presence, our doctrine is, that he could never see his face in mercy. Thus then our doctrine of justification, is not a kind of balance between our good and bad works; our doctrine utterly denies the lawfulness of any sin under any possible circumstance, and no virtues or series of virtues, that we can ever practise, can, under any circumstances, give us the least title or privilege or liberty to commit a sin. How then, according to our doctrine, is this sin, once committed, to be blotted out? Upon no other condition, than that of sincere and deepfelt repentance. No other good works that we can perform, will ever remove the stain that has been fixed upon the soul. We may fast, we may pray, we may give alms, we may go to confession and receive absolution; all is nothing towards the effacing of that sin, until the heart is changed by contrition and repentance, and that repentance must be so intense, and our hatred to that sin must be so sincere, that rather than commit the same or another grievous sin in future, our resolution should be to incur in preference a thousand deaths. That is the nature of the repentance which we deem necessary, as a first step towards the effacing of that sin; yet this is only the first step. After this it is required that the criminal should go and humble himself to his fellow man in the tribunal of penance, acknowledge himself as guilty of that crime, in sentiments of humility and compunction; he must promise to repair any injury which that sin may have offered to his neighbour; and he must likewise, as a mark of his detestation for it, receive with docility whatever penances or works of austerity may be enjoined. Thus then we require all that every other Christian denomination requires for the remission of sin, that is, sincere and intense repentance, including a purpose of future amendment; and we require further the additional humiliation of confession, the receiving of absolution from the proper authority, and an intention to practise such penitential works as may be enjoined, or as the nature of the sin may require. With regard to justification by works, we hold no such doctrine as justification by works alone: we always require faith through divine grace, for Saint Paul says, that without faith it is impossible to please God. Before justification, divine grace must touch the heart, and awaken us to the knowledge of God, as the rewarder of virtue and the punisher of vice. The contemplation of his attributes through faith, leads us gradually to horror for sin, and the love of virtue; to confidence through Christ, in his boundless goodness and mercies, and from confidence to that divine love, which unites us in friendship with God, and without which no one can be justified; all those things, it is true, we consider works. The very act of repentance that I have mentioned, is a work, and the act of confidence and love of God, those are all works, but they are also considered as the effects of faith; all flowing from that faith which, according to Saint Paul, "worketh by charity."

To what authority can you refer, to shew the true doctrine of the Catholic church, with regard to Justification?—The Council of Trent most distinctly.

What is the doctrine of the Catholic church, with respect to Indulgences?—The authorities of the Catholic church have, in virtue of the power of the keys committed to them, a power to remit a certain portion of the temporal punishment due to sin, after the guilt of sin has been remitted; but in no case can Indulgences have effect, till the person is first justified and reconciled with God.

Are indulgences ever granted for anticipated guilt?—Never; there can be no permission to commit sin of any kind.

The Committee have before them a book, entitled, "A Protestant Catechism, shewing the principal Errors of the Church of Rome; printed in Dublin, for Ann Watson, in the year 1822;" the Committee will read to you some of the Questions and Answers, and ask your opinion upon them. In page 9, there is this Question, "How do the Papists treat those whom they call Heretics?"—The Answer is,

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“ They hold, that faith is not to be kept with heretics, and that the Pope can absolve subjects from their oaths of allegiance to their sovereigns ?”—To one part of that Question I have already answered, the Pope cannot absolve subjects from their oaths of allegiance ; to the other I answer, with equal distinctness, it is no part of our doctrine, that faith is not to be kept with heretics, in that sense in which faith is understood to be fidelity to engagements ; we are bound to observe our oath, our pledge, our contract, our agreement, with persons differing from us in religion, in the same way as we are with one another.

Is there any sense, in which it is the doctrine of the Catholic church, that faith is not to be kept with heretics ?—Only in this sense, that our faith, that is, divine faith ; our code of faith is not the same as that of Protestants ; so that we do not hold spiritual communion with them.

Then, in the ordinary acceptation of the words, it is no part of the doctrine of your Church, that faith is not to be kept with heretics ?—No part of the doctrine of our church. I merely made that distinction, lest I should be understood as applying my answer to religious faith ; to the code of religious belief.

The common acceptation of the words, keeping faith with people, is not that you have community of faith with them, but that you keep your engagements with them ?—In that sense I have answered distinctly.

Do not all Roman Catholics, in the oaths that they are required to take, for qualifying, and enjoying relief from the penal code of Queen Anne, and other reigns, swear, “ I reject and detest, as an unchristian and impious principle, that faith is not to be kept with heretics ?”—Certainly.

That oath is willingly taken by all Roman Catholics ?—Without the least hesitation ; most willingly.

In page 11, there is this Question and Answer, “ Do the Papists pray to any other beings, besides Almighty God ?” the Answer is, “ They pray to Angels and Saints, to intercede for them, and save them by their merits.” What have you to observe upon that ?—We pray to saints, and we ask the prayers of saints, in the same sense in which St. Paul asked the prayers of his fellow men ; and we confide in the prayers of saints, just as St. Paul confided, that the prayers of Philemon would contribute to restore him to liberty. Whenever we pray to the saints, we merely ask them to present our prayers, through Christ, to the throne of grace, in the same way that St. Paul asked his fellow men to pray for him, that speech might be given him ; and that he might preach with confidence, the mystery of the Gospel.

Do Roman Catholics worship saints as God ?—By no means ; we honour them, as the friends of God ; and we honour God, in them, as they are his friends, whom he loves, and in whom his grace has triumphed.

In page 12, there is this Question, “ May we not worship the Blessed Virgin, the Mother of our Lord ?” and the Answer is, “ Though the Papists address many more prayers to her than to Almighty God himself, yet there is neither command nor example in the word of God to support such worship ; and as she is but a creature, it is downright idolatry ?”—We never address any prayer to the Virgin Mary, to give us anything of her own ; for she has nothing of her own to give ; all that she has is the gift of God ; and when we pray to her, we merely ask her to present our petitions, through her Son, as I mentioned before, to the throne of mercy and grace : this, we conceive, is not idolatry, nor anything approaching idolatry ; for it does not give to any creature the worship that is due to God.

Is it a doctrine of the Catholic church, that promises or engagements made with heretics, are in any degree, or under any circumstances, less binding upon the Catholic who makes them, than promises or engagements made with a Roman Catholic would be ?—In no degree, and under no circumstances less binding, than oaths and engagements made to Catholics.

The religious faith therefore of the person with whom the engagement or promise is made, cannot in any degree affect the obligation of the promise which has been made ?—Not in the least.

What authority has Gotter amongst Catholics, as a writer upon the Catholic religion ?—He is considered a very zealous and correct divine ; he is very much in use amongst Catholics.

And his authority is received as sound ?—His authority is considerable as an individual ; the authority of no divine is paramount.

In order to remove the prejudices of Protestants, Gotter published a work, entitled, *A Vindication of Roman Catholics, as also their declaration, affirmation,*
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Communion, showing their abhorrence of the following tenets, commonly laid at their door; and they here oblige themselves, that if the ensuing curses be added to those appointed to be read on the first day of Lent, they will seriously and heartily answer Amen to them all: First, it is stated, "Cursed is he that commits idolatry; that prays to images or relics, or worships them for God;" do you acknowledge the accuracy of that doctrine?—Fully; I do not like much the idea of cursing, but there is hardly any language strong enough to express the abhorrence I feel, of the doctrine that is there denounced.

Second, "Cursed is every goddess worshipper, that believes the Virgin Mary to be any more than a creature; that honours her, worships her, or puts his trust in her, more than in God; that believes her above her Son, or that she can in any thing command him?"—I fully concur in the rejection of that impious doctrine.

Third, "Cursed is he that believes the Saints in heaven, to be his redeemers, that prays to them as such, or that gives God's honour to them, or to any creature whatsoever?"—I repeat the same answer.

Fourth, "Cursed is he that worships any breaden god, or makes gods of the empty elements of bread and wine?"—I concur fully, in renouncing, in the strongest language which can be used, that impious doctrine.

Fifth, "Cursed is he that believes priests can forgive sins, whether the sinner repents or not, or that there is any power in earth or in heaven, that can forgive sins, without a hearty repentance and serious purpose of amendment?"—I consider the doctrine wicked and impious.

Sixth, "Cursed is he that believes that there is authority in the Pope, or any other, that can give leave to commit sins, or that can forgive him his sins for a sum of money?"—I repeat the same answer.

Then the thirteenth, "Cursed is he that believes that the Pope can give to any, upon any account whatsoever, a dispensation to lie or swear falsely, or that it is lawful for any at the last hour, to protest himself innocent in case he be guilty?"—I reject the doctrine with great abhorrence.

Will you be good enough to describe to the Committee the nature of Heresy, according to the doctrine of the Roman Catholic church?—The obstinate belief of error which has been condemned by the Catholic Church, is called Heresy; any contumacious error in faith, any obstinate denial of an article of the Catholic faith, is called heresy in the ecclesiastical sense of the word; we at present use the word heretic very sparingly; we choose rather, as it is an offensive word, to say, "our dissenting brethren" or "our separated brethren," or something of that kind; the original import of the word heretic is merely a chooser of his own religion.

Is it a doctrine of the Roman Catholic church, that there is no salvation for heretics?—The doctrine of the Catholic church, in that respect, is very much the doctrine of the Established church, and that of every other Christian society, who hold that man owes to God the homage of his understanding as well as that of his will, and that therefore we are as much bound to believe the things He has revealed, as to do the things He has ordered; and therefore any one who, through his own fault, does not submit to the faith which God has revealed, and ordered to be believed, we consider as a sinner, like any other sinner, and, of course, to be treated as such; it is our belief with regard to ourselves, as it is the belief of the members of the Established church with regard to them, that ours is the Faith revealed by Christ, and ordered to be believed; that faith, respecting which he has himself said, "He who shall not believe, shall be condemned." We wish all mankind to be saved, but we are not to make a religion according to our own wishes; we must submit to the decrees of Providence, that has arranged it otherwise; and since the Gospel of Christ requires faith, as an essential requisite for salvation, we must bow with reverence to that decree; we cannot make a Gospel through a mistaken liberality, and lead people into error, by telling them they are safe in choosing a religion for themselves, such as may appear best to them, except they employ the usual means to arrive at a knowledge of that faith which God requires of them. With respect to Protestants, however, I must say this: we do not hold that all who are not united externally to the Catholic church are to be lost; we even hope that many who are attached to other bodies of Christians, may (not having a sufficient opportunity of becoming acquainted with the true Faith) be treated with mercy before the Supreme Judge. All Protestants who are baptized, become, by the very act of their baptism, members of the Church of Christ, children of God, and heirs of everlasting life; and if they die at any period before they lose that innocence which

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which is restored to them in baptism, and their consequent title to heaven, they will of course obtain that immortal kingdom. At what period they may lose that title, or whether they lose it at all, it is not for us to judge; it is the business of God, who sees into the secrets of hearts, and who knows the opportunities which each individual has to arrive at a knowledge of the Faith which He has revealed, and who will judge His creatures with mercy. A person baptised, growing up in ignorance of what we consider the true faith, and without the means of arriving at it, if he do not commit any other grievous sin to exclude him from heaven, will reach the glory of God's kingdom with as much certainty as any one externally united to our body; that is our belief with regard to external unions. We hold, that faith is necessary to salvation, because God has so declared it; He has declared, that they who do not believe, shall be condemned. With regard to individuals, we pronounce no judgment, because it is He alone who can decide upon the sentiments of a man's heart. I beg to add with regard to Protestants in particular, that in their infancy they are rendered, by baptism, heirs to everlasting life; and that nothing can deprive them of the title thus received, to the inheritance of heaven, but some actual sin; whether that be the sin of refusing, through their own fault, to accept the faith that God has revealed, or any other actual sin. I believe the Protestant church teaches something like that in its 18th Article, which pronounces them accursed, who will say, "that every man shall be saved by the law or sect which he professeth, so that he be diligent to frame his life according to that law, and the light of nature;" and in the 8th Article, it adopts the three creeds, one of which is the Athanasian, in which the doctrine of exclusive salvation is very distinctly marked.

Can you state the actual sin by which a person, once baptised, loses his title to heaven?—Any grievous transgression of the law of God, whether it be a violation of faith or of morals.

The Committee find, in the abstract of the Douay Catechism, a question is asked, "What is necessary to save a man?" the first thing answered is "Faith?"—St. Paul gave the answer before, when he said, "Without faith, it is impossible to please God."

Then the next question that follows is, "What is the opposite of this Faith?" which is followed by the answer, "Heresy;" the Committee would like to know, if possible, the nature of that heresy which is the opposite of saving faith, according to the question in the abstract of the Douay Catechism?—Any obstinate error in matters of faith, is called heresy; any culpable and obstinate error in matters of faith.

Is not the non-participation of the doctrines of the Roman Catholic church, considered heresy?—When that non-participation is culpable, which God only can know.

Does not Calvin write as follows, in the 64th Institute, chapter the 1st, "*Extra ecclesie gremium nulla est speranda peccatorum remissio nec ulla salus*?"—I think he does.

Is not the same doctrine taught in the profession of faith of Strasburgh, presented to Charles the Fifth, in 1530?—It is taught by most Christian societies.

In that of Switzerland in the year 1566, in that of the Low Countries, and in that of Scotland in 1647?—It is so.

What do you consider to be the temporal punishment of sin?—The temporal punishment of sin may be either in this world or in the next; if it be in this world, it may be any temporal visitation from God, or any voluntary infliction of penance by fasting and prayer, and self-denial; and if it be in the world to come, we hold that it is in a middle place, which is neither heaven nor hell; a kind of punishment known only to God, inflicted until the last remnant due to his justice is purged away.

The temporary punishment of sins in this world, are sicknesses and infirmities?—Any means that God may think proper to employ to punish his creatures, or any austerities that the penitent himself may, in the spirit of penance, practise.

Can a priest of the Roman Catholic church, by granting an Indulgence, or by withholding an Indulgence, avert or accelerate the wrath of God, as far as the temporary penalty of sin is concerned?—As far as the temporary punishment of sin is concerned, the authorities of the Church can do so by the power entrusted to them by God. The grant of an Indulgence is accompanied, as a condition for obtaining it, by an injunction to perform some act of piety; it is a change of punishment from one species of austerity to another more suitable to human infirmity, a kind of commutation, which commutation is admitted in the canons of the Protestant church; it is admitted, and laid down in Burn's Ecclesiastical Law, that there are such things as commutations of penance in the Protestant church.

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Can a priest of the Roman Catholic church, by granting or withholding an Indulgence, accelerate the course of a departed soul through purgatory, or retard it?—It is our belief, that prayers in this world are of use to accelerate the passage of the soul in purgatory to future bliss; Indulgences, however, cannot reach beyond the present life, except as far as God may be pleased, through the merits of Christ, to accept our prayers for the release of the soul in purgatory; the Church has no power, by right, to grant an Indulgence for the relief of souls in purgatory, except by way of suffrage or prayer; but our prayers, offered through Christ for that purpose, are considered to be efficacious, in such a degree as is known only to God.

Is it the doctrine of the Roman Catholic church, that the most undivided allegiance is due to the King, in temporal matters?—It is.

Is it the doctrine of the Roman Catholic church, that the same undivided allegiance is due to the Pope, in spiritual matters?—It is; that allegiance which is due to him as spiritual head, and which is limited by the canons.

That is the definition you would give to the limit of the allegiance due to the Pope?—Certainly.

According to the doctrine of the Roman Catholic Church, marriage is a sacrament?—It is.

Marriage also, the Committee suppose, according to the doctrine of the church, partakes of a civil contract?—It is also a civil contract.

There are certain degrees of affinity, within which it is not allowed by the principles of the Roman Catholic religion for parties to marry; but suppose parties do marry within those degrees, is that marriage void, according to the doctrine of the Roman Catholic church?—If within the prohibited degrees, it is void.

Would the circumstances of that voidance entail penalties upon the parties in civil matters?—By no means; the issue of that marriage would inherit in the same way as if the marriage were wholly valid, because it is the law that decides that the marriage retains all these civil effects that the law gives it.

Would the children be legitimate?—In point of law, as heirs.

In an ecclesiastical sense, they would not be legitimate?—They would not be legitimate.

Will you have the goodness to explain to the Committee the penalties, in the ecclesiastical sense, which parties so marrying within the prohibited degrees would be subjected to?—They would be subject to no penalties, that I at present recollect, except the refusal of the administration of the sacrament, as persons living in the guilt of sin.

Supposing a child of such a marriage wished to become a member of the Roman Catholic ministry, would there be any objection to instituting him to the order of priesthood?—There would be an objection, which would prevent his taking orders in our church.

Is there any power to dispense with such penalties?—There is; the Pope possesses that power.

Does a bishop of the Roman Catholic church possess it?—Bishops do not exercise that power in the Roman Catholic church.

But under no circumstances, would the children of such marriage be subject to civil penalties?—No civil penalty whatever.

Should you, as a prelate of the Catholic church, consider the issue of such marriage as legitimate heirs to the property of the parents?—Most certainly.

With respect to any of the sentences of our courts, either of civil or ecclesiastical jurisdiction, would you consider that, according to the doctrine of your church, any coactive step could be taken to resist those sentences, or to interfere with them?—I am not aware that any coactive step could be taken, except those sentences should go, for instance, to dissolve the marriage, which we, in our church, hold to be valid, we would refuse the parties the sacraments of our church.

As to any civil measure?—By no means.

In short, where the law of your church differs from the law of our church, your sanctions are merely of a spiritual nature?—Merely spiritual.

In case of divorce, the Roman Catholic church does not allow of breaking the matrimonial chain?—No; our doctrine is, that what God has joined together, man cannot separate; and when once the tie of matrimony is formed, it is only death can dissolve it.

Suppose parties are divorced by a decree of the civil court, and, that either of the parties afterwards wishes for to marry, and makes application to a priest of the Roman Catholic church to marry them, will that priest refuse?—Certainly.

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Then if a divorce once takes place, neither of the parties can by possibility enter into the state of marriage?—Neither could conscientiously enter into the state of marriage, but they can legally, and that marriage would have the same legal effect as a marriage formed with what we call impediments, that is, within the prohibited degrees.

Still it would be the duty of every Catholic priest to refuse to perform the ceremony of that marriage?—Certainly.

Has the Pope a power of dispensing with that part of the discipline?—By no means; we consider that as decided by the law of God, and the Pope can never dispense with the law of God.

There is a vulgar error, that the kingdom of Ireland is a fief of the popedom; is there any foundation for that assertion?—It has no foundation whatever; it is annexed, and I hope inseparably annexed, to Great Britain.

You take a distinction with respect to the differences between the decisions of our ecclesiastical courts and yours, between that class of them which arise from the interpretation of the sense of scripture, and that class of them which arise from a difference between the law of which you judge of the rules of consanguinity?—Just so; the one is merely the law of the church, which the head of the church can dispense with; the other we contend to be the law of God, which no earthly power can dispense with.

That law of God, no earthly power can dispense with, is derived from your interpretation of scripture?—Yes.

You do not conceive that the Pope has any authority to overrule your sense of the true interpretation of scripture?—Just so.

Supposing Catholic Emancipation was carried, should you see any objection to government allowing a stipend to the Catholic priesthood in Ireland?—In the event of Catholic Emancipation being carried, and this arrangement being made a part of the final settlement of the country, I would not see any material objection to the Catholic clergy receiving a stipend.

Should you see any objection to it, supposing Catholic Emancipation was not carried?—Very great objection. I do not think it would be acceptable, either to the people or the clergy.

Supposing such a stipend was agreed upon and granted, under what circumstances should you think that the Catholic clergy would have a claim upon it?—I suppose that the law would regulate the claim they should have; and that it should not be revocable at will, but given, on the one hand, so as to preserve the independence of our church, and on the other, to preserve that degree of subordination which should subsist between the inferior clergy and the prelates of the church.

Should you think it ought to be attached to the different benefices, or given to the individuals?—I think that would be a matter quite of regulation, to which I have not finally made up my mind.

Should you conceive there would be any objection to a certificate of loyalty being required, before such allowance was paid to a clergyman?—Certainly not, if that certificate were to come from the authorities of our church; I think it would be a useful thing to have that certificate of loyalty.

Do you conceive there would be any objection to securing the domestic nomination of the bishops in the Roman Catholic church in Ireland?—I do not conceive there would be any objection to it; I think rather it would be an advantage.

In whom is the nomination now vested?—At present it is vested in the Pope, but he does not exercise it, except at the recommendation of some portion of the Irish clergy.

Should you think it an objectionable measure, to prevent any foreigner from being appointed to a see in the Catholic church in Ireland?—By no means.

Would you extend that to all benefices in the Catholic church?—To all benefices.

Should you conceive there to be any objection to the Crown having a power of interfering in any way, directly or indirectly, in the change of the lower clergy from one benefice to another?—I would conceive that such interference would be liable to great objections.

You would not conceive there would be any objection, on the members of the Roman Catholic hierarchy being promoted from one rank to another, that the same certificate of loyalty and domestic nomination should accompany the change which accompanied the first appointment?—I think it would not be liable to any objection.

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Do you think there would be any objection to letting the State have perfect assurance, that the person to be appointed or promoted in the Roman Catholic church, had not been educated out of foreign funds, or out of funds at the disposal of a foreign government?—I do not think it would be liable to any serious objection; I should not like to give up wholly the foreign education, because it is calculated to excite a kind of emulation which I think useful.

The question does not apply to foreign education, but to education provided at the expense of foreign states?—I know there are some funds of that kind at present applied. I am not aware that any bad consequences follow from the education received from them; for instance, I was, myself, educated upon a foreign fund in Spain, and that fund was wholly under the control of the King of Spain.

If it should be thought advisable, for the security of the State, that that practice should cease, and if an equivalent were given in this country out of domestic funds, do you think there would be any objection to a perfect assurance being given, that parties to be appointed or promoted in the Catholic church, should not have been educated or supported out of any such foreign fund?—I am sure there would not.

Are there not, at present, some funds that were originally created by gifts of Irish families, that are at present subsisting in France, and claimed to be under the control of the government of France?—There are.

To what extent do you suppose those funds may go?—I cannot exactly say, but possibly about an annual income of 70,000 francs.

About 3,000*l.* a year?—Yes.

Have you any reason to believe, that the French government, or any persons acting under their authority, have latterly been expressing any interest about that fund?—No, on the contrary, the present King is giving more power over that fund to the people in this country, than was given before; he has appointed a president, at the recommendation of the clergy of this country.

Do they claim to keep up an intercourse with Ireland, with respect to the management of this fund?—I do not think they claim a right to keep up an intercourse, or that they express a wish so to do; they consider these funds to be placed under their guardianship, and they do not allow them to be removed from France, they continue under their trusteeship; but latterly they have given us a great degree of power over them, they have appointed a president, who is at the same time administrator of them, an Irishman, a person recommended by us.

Necessarily, in the administration of them, as they are at present constituted, there must be some intercourse with respect to them, kept up between Ireland and France?—This administrator must of course return his accounts to the French ministry.

They allow the persons to receive the benefit of the fund, to be selected at home?—They have no claim whatever with reference to the selection; there are certain families, who originally formed the fund, and the representatives of those families, in some instances, retain still the right; and in other instances the right is devolved upon the bishops; and when once a person goes regularly presented from the competent authority here, he is admitted on the fund without any further hindrance.

Then all that they claim is, that the fund should continue in France?—Should continue, and be administered, of course under their control; till latterly they exercised a very tyrannical power over these funds; they appointed a *bureau gratuit*, and this bureau managed, or rather mismanaged, those funds very much; but at present there seems a better disposition, and they seem more inclined to do justice.

If it should be thought expedient for the public safety, that that fund should be put an end to, and that an equivalent fund, entirely domestic, should be given for the same object; you think there would be no objection to give an assurance on the part of the Roman Catholic clergy, that the persons hereafter to be appointed, should be educated exclusively out of domestic funds?—I cannot see the least ground for refusing to give such an assurance.

The Catholic priests are now paid by voluntary monies raised amongst their flocks?—Yes.

If a stipend was regularly paid them by the government, under certain regulations, in case of the question of Catholic Emancipation being granted, are you of opinion, that the Catholic priesthood would give up their claim to those fees now paid by their flocks?—I think there are certain fees, established by long usage, that they would feel a reluctance to give up; which are received by the ministers of almost every church, on marriages and burial services, and christenings; but the other

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other voluntary offerings which are given, they certainly would give up without any hesitation.

Easter and Christmas offerings?—Easter and Christmas offerings.

Are there not fees called Confessional fees, paid to the priests?—They are not, properly speaking, confessional fees, but sometimes when the people assemble at what is called a station in the country, for the purpose of making confession, they take the opportunity which is afforded by that, to contribute their offerings.

Are those part of the fees which you think would be given up by the Catholic clergy?—Certainly.

The fees on baptism, marriage, and burial, do not come within the description of fees that you think the clergy would be willing to give up?—I think not.

Do you know what the proportion of fees arising from baptism, marriage, and burial may be, in respect to the proportion of fees arising from other sources?—I really cannot form a judgment; but they are considerably inferior to the other fees.

Would those fees upon baptism, marriage, and burial, be decreased, if a general stipend was paid to the clergy?—It is very likely that they would be much decreased.

Are you of opinion, that there would be any objection in principle, to the priesthood giving up the receipt of those particular fees; or do you think the amount of those fees is the greater object of consideration?—I think the principle being so long established, and such a universal usage, would not be relinquished without some feeling.

It is the principle then, and not the amount of fees paid for those particular purposes, that would be the object?—Yes; because the amount is less than those which they would be willing to give up.

Supposing a Roman Catholic priest refused to perform the ceremony of baptism or burial, because the fee was not paid, should he not be subject to some penalty?—He would undoubtedly be punished, and very justly, by his own superior, by the bishop of the diocese, if a complaint were lodged against him.

Do not you think that a Roman Catholic priest should be bound to perform those ceremonies, without the payment of those fees?—He is conscientiously bound to perform them.

You would leave the payment of fees to the feeling of gratitude, and the feeling of good will that exists between the clergyman and his parishioners?—Just so.

Do different classes of persons, according to their circumstances, pay a different amount of fees?—They do.

Is there any class from whom no fees at all are expected?—The poorer classes are attended without any fee, when they have not wherewith to make that usual offering which is expected.

Will you state the amount of the different classes of fees paid by different persons?—It would not be possible; it varies according to places and circumstances, and according to the disposition of the people; and that is matter of feeling.

In the case of a stipend being given to the Catholic clergy, would that class which pays no fees at all now be extended much further?—I think it would; and I think those that do pay, would pay a much smaller sum.

What power have the Catholic clergy to enforce the payment of those fees?—No power but public opinion, and a claim upon the gratitude of the people, which is generally met.

Have they any ecclesiastical power?—No; they have no ecclesiastical power; they cannot inflict a censure without the authority of the bishop, and the bishop would never give his authority for purposes of that kind.

You stated, that in your opinion, it would not be proper for the Crown to have any direct or indirect interference in the appointment of the Catholic clergy?—I think it would not be useful, either to the Crown or to us. I apprehend, that we could serve the Crown much better by being left independent of it, excepting indeed that necessary dependence which all authorities of the state have.

Does this objection depend upon your religious opinions, or upon political feeling?—Upon both; upon religious opinions principally. I say, as far as I am concerned, wholly religious opinions, because it is our duty to serve the people, and to serve government; I think we could do that more effectually, by being left as much as possible to ourselves, without the interference of government.

Do you consider there is any thing contrary to the discipline of the Catholic church, in such an interference of the government?—I think it would be injurious

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to the discipline of the Catholic church; and I do not know that it is recognized in a Protestant government any where.

Supposing that by a treaty with the Pope, he was to admit of such an interference, in your opinion would the Catholic bishops in Ireland submit to it?—I think they would object to it, if that interference were to be in a material degree.

Would they think that the Pope exceeded his power, in making such an agreement?—Not his power certainly; but they would consider him as outstepping the limits of prudence and wisdom, and discretion.

Would they feel themselves justified, in consequence of that, in objecting to such a treaty?—They certainly would.

Would there be any objection in your mind, to the government naming a commission, consisting of prelates of the Roman Catholic church, through whom the loyalty and the domestic nomination and education of the several functionaries should be certified to them?—Not the least objection; we should be most anxious to have an opportunity of certifying to government, the loyalty of every one who is employed as a functionary of our church.

Allowing the government to name the commission through whom that should be certified?—Certainly.

Would it be necessary for the Catholic prelates to obtain the consent of the Pope, previous to their engaging their co-operation in such an arrangement as to domestic nomination?—No, it would not; because the Pope has already signified his readiness to acquiesce in it.

When did the Pope signify his readiness to acquiesce in it?—About ten years ago.

Supposing the Pope was to agree to any thing, which in the opinion of the Catholic prelates in Ireland exceeded his authority, what would be the conduct of the Catholic prelates, in such a case?—If we thought he exceeded his authority, we would of course deem ourselves at liberty not to acquiesce in his decisions.

Is the authority of the Pope defined in such a manner, that it would be easy for the Catholic prelates to decide, whether he exceeded his authority or not?—I think it would.

Would there be any objection on the part of the Roman Catholic clergy, to submit their bulls and briefs, and other documents from the Pope, to the inspection of government, before they were transmitted to the authorities to which they were directed?—If we look at the substance of those communications, I do not find there would be any great difficulty; but I would find a great difficulty in submitting the private communication of any gentleman to another, without his consent; I think it would not be authorized.

Are those private communications the subject of briefs or rescripts from the Pope?—Every brief or rescript is of course a private communication, a communication from one gentleman to another; and I would not think myself authorized to show any gentleman's letter to another, without his consent.

Supposing the Pope consented to such an arrangement, should you see any objection to it then?—Not the least.

Your objection is rather on the principle of good manners, than of any religious feeling?—The communications with the Pope, are wholly of a spiritual nature; there are some confidential communications regarding the consciences of individuals, and it would not perhaps be right, that those communications should pass into other hands than those immediately concerned.

You would make an objection to submit those spiritual communications to any lay tribunal?—Yes.

Or perhaps to any tribunal that was not of your own persuasion?—Certainly.

Could there be any objection to submitting this communication to a commission of your own bishops, to be named by the Crown, in the manner before-mentioned?—I do not see that there could be any objection to it, provided the Pope consented that his communications should be so submitted; and I think, even with respect to the objection founded on the rights of individuals, it might be done in such a way, as that the particular person should not be marked out; A. B. or C. D. would be a sufficient mark to distinguish the individual for whom the matter was intended, without communicating his name.

Would the prelates of your church object, that the spiritual communications that are made from the Pope to these countries should, in the first instance, pass through the hands of that commission of your own prelates, and that they should exercise their discretion upon them?—I think there might be instances where one

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might feel an objection to allow a communication on a confessional case, to go into any other hands than those of the parties concerned; at the same time, I think it might be so regulated, as to conceal the name of the person by letters, or something of that sort.

Does not that restriction exist in Protestant kingdoms, for instance in the kingdom of Prussia, and in the kingdom of the Netherlands?—It does, and in Catholic kingdoms too; sometimes by virtue of a *concordat* with the Pope himself; then he abandons his own right, and we cannot object to it; if he chooses to do it, we should most readily acquiesce in it.

You have stated, that you think there would be no objection on the part of the Roman Catholic prelates, to preventing foreigners being appointed to benefices and dignities in the Roman Catholic church in Ireland?—There is not the least likelihood that such an attempt would be made; and we should be glad that a law were enacted, to prevent the introduction of such persons; it is merely a case that we contemplate as barely possible.

Could a law of that kind be passed, without an agreement with the Pope, before hand?—Certainly; the law can exclude any one whom it considers dangerous to the country; as it excludes aliens, it could exclude those foreign persons from exercising any function within this realm; and such a law would excite no kind of feeling of dissatisfaction in the Catholic population.

What would be the situation of the country, if such a law were passed, and the Pope were to institute such a person?—He never would institute such a person; he would not be so unwise as to enter into collision with the law of the country.

Is the present Pope bound by the opinions of the last?—He considers himself bound by the decisions of the last.

Is the willingness which the late Pope expressed to come into an arrangement for domestic nomination, such a decision as you have mentioned?—It is such a decision as I have mentioned.

Such a decision as would make you feel yourself authorized in assenting to an arrangement of that kind?—Certainly a decision binding in honour, not having been recalled; he is bound by it in the same way as a subsequent government in this country would be bound by the acts of the preceding government.

Are you aware whether the Catholic prelates in Ireland consider themselves sufficiently authorized by that decision, to co-operate in an arrangement of that sort, without further application to the Holy See?—They do.

Do you remember the rescript of a person called Quarantotti?—Perfectly well.

Did not the Roman Catholic prelates protest against that rescript?—Very earnestly.

On what ground?—On the ground that it allowed a certain interference in the appointment of the Catholic bishops in Ireland, which interference they thought would be injurious to the Catholic religion.

That rescript acknowledged the principle of a royal *veto*?—It did.

It went no further?—And also the principle of inspecting correspondence.

What they objected to was giving the Crown a *veto*?—Yes.

Did they consider that as coming from the Pope himself, or only from Quarantotti?—Only from Quarantotti, and a very limited council, which was left under the dominion of the French authorities in Rome. He was a very weak old man, and he had himself incurred the displeasure of the Pope during his captivity, by having taken an oath of allegiance to the French authorities, always guarding, however, as he thought, his allegiance to the Pope. However, it was still such as to incur the displeasure of the Pope, and the latter would not for some time admit him into his presence.

Had that rescript come from Pius the Seventh himself, would the Roman Catholic prelates have equally protested against it?—Most certainly.

Would they have protested against it on the ground that the Pope had exceeded his power?—On the ground that he had exceeded the limits of prudence and discretion; that he was not sufficiently acquainted with the circumstances of our country, and of course that we could not conscientiously help submitting this fact, and reminding him of the danger to which he exposed our religion.

Would you have protested against it, on the ground that he had exceeded the power vested in him, as the successor of St. Peter?—No.

They would not protest against it, on the principle that he had done any thing contrary to the discipline of the church; but, that considering the situation of the Catholic

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Catholic church in Ireland, what he had done was opposed to the interest of the church?—That it was contrary to our discipline.

Not contrary to the fundamental principles of the Catholic church?—You may say there is no fundamental discipline of that kind, because that discipline may be changed.

Are you aware whether there has or not been any arrangement made in other countries, in which Protestant sovereigns have exercised a power equal or similar to that which it was proposed by that rescript to convey to the King of England?—I am not aware that there are any such powers in the hands of any Protestant sovereign.

Is there a power of nomination vested in any Protestant sovereign?—There is no power of nomination recognized in any Protestant sovereign.

Are you aware how it stands in the kingdom of Prussia?—I am.

Will you have the goodness to state that?—At present, in virtue of a *concordat* which was established a very few years ago, the nomination is vested in the Catholic chapters of Prussia; and the king of Prussia has given an endowment or establishment to the clergy.

Is there no right of interference?—No right of interference, that I am aware of; I have seen the decree.

He has no privilege of a *veto*?—None, that I am aware of.

Has the emperor of Russia any such right?—He has not; but the emperor of Russia being the head of a despotic government, recommends a certain individual to the Pope; and the Pope, that the Catholics of that country may not be persecuted, if he finds no canonical objection to the individual, appoints that individual of his own authority, without any reference whatever to the recommendation of the emperor; he studiously avoids saying that such a person had ever been presented; in the fullness of his own authority he appoints him; but he is pleased to appoint the person so presented, if he feels no objection to him. It was the same in the kingdom of Prussia, before the *concordat* which I have just mentioned. The king of Prussia named a certain individual; the character and qualities of that individual were examined into; if the Pope saw no difficulty, he appointed him; but he made the nomination in the fullness of his own power, without any reference to the presentation.

In those cases it is a species of compromise between the court of Rome and the courts of Prussia and of Russia?—Just so; the Pope does not wish to enter into collision with those sovereigns, and he therefore allows it to go on in that way.

Has the king of Prussia any thing resembling a *congé d'elire*, in the appointment to the chapters?—Not that I am aware of.

Do you think it would be injurious to the Catholic church, if he had one?—It would be perhaps less injurious than in some other countries, because Silesia, the country chiefly in question, is principally Catholic, and not distracted by party feeling; that is quite a matter of prudence, to be regulated according to the circumstances of the place.

Supposing what is called Catholic Emancipation were passed, and that a provision were made for the Roman Catholic clergy; and that, in consequence of that provision, the Pope was to grant to the king of England the power of appointing the bishops of the Roman Catholic church, would the Roman Catholic prelates consent to that?—I do not think they would; and I am quite certain that the Pope would not grant, to any Protestant sovereign whatever, a power of direct nomination.

Are you aware that the King of Prussia has actually appointed to the Bishoprics of Culm and Posen?—I am quite aware that his recommendation has been attended to, but on the principle I have just mentioned, disallowing the right of the King of Prussia to nominate; but still the individual recommended, has been in general named by the Pope from his own authority, without alluding, in the bull of appointment, to the presentation that was made: that system has been changed, the nomination is now vested in the chapters.

But suppose the Pope did make such a concession to the King of this empire, what would be the conduct of the Roman Catholic clergy of Ireland, under such circumstances?—I cannot say what would be their conduct, but I think it would excite a very painful sensation, and might lead to very disastrous consequences; but I think it is almost an impossible case. It has never occurred that such *concordat* has been entered into by the Pope, with any Protestant prince.

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Does it enter into your mind, as a part of Catholic Emancipation, that the Roman Catholic bishops should take their seats in the House of Lords?—By no means; the bishops of the Established church take their seats in the House of Lords, as barons, which dignity they have from the Crown; we can have no claim to such a dignity.

Have you any reason to think, that in the minds of any part of the Roman Catholic clergy, there exists any hope or any wish to interfere with the temporal possessions of the Established church?—Not the least; there is no wish, on the part of the Roman Catholic clergy, to disturb the present establishment, or to partake of any part of the wealth that it enjoys.

Nor any objection to give the most full and entire assurance on that subject, by any declaration that may be required of them?—Not the least.

Do not you think, that if there was an establishment for the Roman Catholic clergy provided by the State, that would afford an argument to those who object, that they being Catholics, should pay for the Protestant clergy, as Protestants might then say, We who are Protestants pay for the Catholic clergy?—I think that would be a very powerful argument.

Though the Catholic clergy of Ireland might not wish to interfere with the property of the Protestant church, is it not a general feeling among the Catholics, and general indeed amongst a great many of the Protestant communion also, that the establishment of the church of Ireland should be very much curtailed; that there should be a new modelling of it?—It is a general feeling, among Catholics as well as Protestants, that the establishment is unnecessarily rich; but I do not observe any feeling in Catholics as Catholics, to exert themselves for its curtailment, more than Protestants.

That feeling is rather an opinion of political economy, than a religious feeling?—Exactly so; as religionists they have no particular feeling.

Is it not their disposition to leave the matter entirely with the legislature?—Yes.

Do not the Catholics complain very much of the obligation of paying tithes to Protestant clergymen?—They complain in common with Protestants, and they have this additional ground of complaint, that they receive no service for it.

Is not that urged as a very strong and very general argument against the establishment and continuance of tithes in Ireland?—It is a complaint that they have to pay two churches, from one of which they derive no return. According to an idea thrown out, in a question which has been put to me, it would seem, that in the event of emancipation, they would not have to pay from their own pockets exclusively, their own clergy, and of course then there would be a greater disposition to bear with patience the burthen of supporting the Protestant clergy.

Have not the disturbances on the subject of tithes in Ireland, which have been very numerous indeed, and existing from a very remote period, prevailed more generally in Catholic counties than in those counties where Protestants were more numerous?—I believe they have, but I do not feel myself very competent to answer the question, for I am not sufficiently acquainted with the nature of those disturbances, or the causes from which they arose.

As far as you are acquainted with them, do you not believe that the disturbances with respect to tithes have chiefly taken place in those parts of Ireland where the tithe of potatoes was collected?—I understand so. I am not myself particularly acquainted with any part of Ireland where those disturbances have taken place.

Is not the tithe upon potatoe the greatest cause of dissatisfaction connected with the tithe system?—So I have heard; because that is a tithe levied off the poorest classes of the community.

Then in the event of disturbances with respect to tithe having taken place in particular counties in Ireland, do you connect those disturbances with the circumstance of the inhabitants of those counties being Catholics, or with the circumstance that in those counties the tithe of potatoes was claimed?—I think it more likely that they arose from the nature of the tithe, and from the manner of collecting it.

Have not you found, or have not you collected from your observation, that the insurrections in different parts of the south and west of Ireland, have been directed, as much against the payment of dues to the Roman Catholic clergy, as against the payment of tithe to the Protestant?—They have often been so directed against the dues paid to the Catholic clergy, as well as against the tithes paid to the Protestant clergy.

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Are there not lay impropriators in Ireland, who receive tithes as well as the clergy?—I understand so.

In that case, is any return made to the persons paying?—No return.

Do you suppose that if the legislature chose to take away tithe from the clergy of the Established church, and to pay them in any other way, that they would make a present of the tithe to the land owners?—I do not know what the legislature might be inclined to do under those circumstances, but I believe the people feel as great an indisposition to pay tithe to a lay impropriator as to an ecclesiastic.

Are they not sensible that it is a burthen upon the property which they hold, whether it is paid to the church or to the laity?—Yes.

Do not you think that the Protestant clergy find as much difficulty in getting the tithe from Protestant parishioners, as from Roman Catholic parishioners?—I have heard so, and very often more difficulty.

Why would you say more difficulty?—From their being more able to resist.

You have not found, so far as your observation, or any thing you have heard, lead you to form an opinion, that a resistance to the payment of tithe prevails more amongst Roman Catholic parishioners, than amongst Protestant parishioners?—No, I do not; but it is a subject I am not acquainted with, from my having chiefly resided in Dublin.

From what you have understood of the state of the disturbed districts, do you not suppose that the disturbances there proceeded from the general condition of the peasantry, and from other circumstances not connected with the profession of the Roman Catholic faith?—I believe, from their extreme poverty, which made them feel the pressure of those things more than elsewhere; but I am not sufficiently acquainted with those parts of the country where disturbances took place.

Do you think that what is called Catholic Emancipation would at all reconcile the peasantry and farmers of Ireland to the payment of tithes?—I think it would diminish their repugnance to it.

Do you think it would make them more satisfied under those burthens than they are at present?—I am certain it would remove a great source of discontent, and put them of course in a better temper, and induce them to acquiesce more readily in all the burthens the State imposes on them.

Is not that feeling of discontent connected in some degree with the disturbances which have taken place?—I fancy it is.

Are you at all acquainted with the operation of the Tithe composition Bill?—Not at all; I have heard that where it has been carried into operation, the effect has been favourable; but I am not personally acquainted with any case in which it has been carried into effect.

Have you heard that it has had the effect of removing the pressure from the small holders of land, who paid the tithe of potatoe, to a general burthen upon all the land?—I have heard so, that it divides the burthen more equally, and relieves the poorer classes.

Have you formed any opinion as to the operation of the law with respect to Church Rates in Ireland?—I have had no opportunity of forming an opinion upon that subject.

Have you heard any complaints made by the poorer classes of the burthen which is imposed upon them, of repairing the churches of the Established religion?—I have heard that there were complaints of that nature, particularly where there were very few Protestants, and where the chief burthen was to be borne by Roman Catholics.

Has that been the cause of disturbances in any part of the country?—I am not aware whether it has or not.

Upon subjects of that nature your constant residence in Dublin disables you from giving to the Committee that opinion which you would otherwise be able to give, had you lived in the country?—It does.

In the event of there existing any dissatisfaction with regard to the payment of church rates, that is, funds for building and repairing Protestant churches, do you not think that that dissatisfaction would cease, if those rates, in place of being charged upon the occupying tenant, became in fact a charge upon the landlord and upon the rent?—I think it is likely that it would.

In case of Catholic Emancipation being carried, would you propose that the Catholics should be allowed to have processions?—By no means. Public processions in the street, out of their places of worship, I would not think at all advisable in a country so mixed as ours is, where the different denominations are blended

blended together, and where, of course, one description of persons might receive ground of offence, from those external ceremonies.

You have heard that there have been great objections made against the Church Establishment in Ireland, particularly by Irishmen; do you think that if a great attempt was made to new model the Church Establishment, not to take away its riches, but to allow them that wealth in a different way, that that attempt would be supported by the great body of the Catholics in Ireland?—I am not aware that the great body of the Catholics would trouble themselves much about the manner in which it would be employed, provided that the pressure was to continue the same, and that it was to be levied in the same way.

If there was an attempt made to relieve the peasantry of the payment of tithes, and to appropriate the landed property of the Church to the payment of bishops, deans, and clergy, and to the repair of the churches, and to the encouragement of education, and perhaps other purposes connected with church matters; do you think there would be a general feeling among the Catholic population in Ireland to join such a plan?—I think there would be a general feeling amongst both Catholics and Protestants, to rejoice at any plan which would remove the people from unnecessary burthens, or to employ the fund in such a way as would be of general service; I do not think the Catholics are more particularly interested in that than the Protestants.

Then the Committee are to understand you as saying, that it is the burthen itself that is oppressive, and not the circumstance of the persons to whom it is paid?—The burthen.

Do you think the Catholic population would exert themselves more strongly to get rid of tithe, than they would of the burthen of any other tax?—I do not think they would.

In any opinions you have heard respecting this question of Church reform, which has been pointed at in the latter part of your examination, can you state which you have found most eager and anxious upon the subject, the Protestants or the Catholics?—I think the Protestants are equally anxious with the Catholics.

Is not it your opinion, that any class of men, either Catholic or Protestant, in any country, if they found themselves peculiarly aggrieved by any particular tax, would naturally be very glad to be relieved of that by any means the legislature of the country could possibly provide?—Most certainly.

The Most Reverend *Oliver Kelly*, D. D. Titular Archbishop of Tuam,
called in, and examined.

HOW many years have you been Roman Catholic Archbishop of Tuam?—Since the year 1815.

Will you be so good as to explain to the Committee, the nature and origin of the authority of the Pope?—The Pope derives his authority from Jesus Christ. He is the successor of St. Peter, and holds the same rank in the church that St. Peter did among the Apostles; he is the first bishop and head of the church, and enjoys a primacy, not only of honour, but also of jurisdiction.

Is his authority distinctly defined?—His authority is distinctly defined; and besides the ordinary episcopal power, which he enjoys in common with the other bishops, he has the authority of presiding over the universal church, and of governing it according to the canons.

Does the obedience that is due by a Roman Catholic to the Pope, detract from what is due by a Roman Catholic to the prince under whom he lives?—Not in the slightest degree.

Does it at all justify an objection that is made to Roman Catholics, that their allegiance is divided?—By no means.

Is the duty that a Roman Catholic owes to the Pope, and the duty he owes to the King, really and substantially distinct?—The duty which the Roman Catholic owes to the Pope, and that which he owes to the King under whom he lives, are really and substantially distinct, inasmuch as they regard different matters. The duty which he owes the Pope, is confined to matters spiritual, and affecting ecclesiastical and religious matters. This duty is by no means incompatible or inconsistent with his social duties; it does not clash in any manner whatsoever with the civil allegiance which he owes to the King; on the contrary, his bounden duty, as a Catholic, is to pay obedience and submission to the civil authorities.

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What do the principles of the Roman Catholic religion teach, in respect of performing civil duties?—The principles which the Roman Catholic church teaches, with regard to civil duties, are, that subjects are to obey the King, and all those placed in authority under him; they are to be amenable to the laws of the land.

Does the Pope, in point of fact, at present dispose of temporal affairs within the kingdoms of any of the princes of the Continent?—I am not aware that the Pope, at present, interferes in any degree in the temporal concerns of the princes of the Continent.

Has any Pope, of late years, at all attempted to interfere in the temporal concerns of the States of Europe?—I do not know that, of late years, any Pope has attempted to interfere in the temporal concerns of independent states.

When the Pope did interfere in the temporal concerns of independent states, on what did he found his claim to such interference?—I should think, when he did interfere in temporal concerns, it was in consequence of concessions made to him by temporal princes themselves, and that it was in virtue of the power which he had received from them; but I do not conceive that the Pope, at any period could, in virtue of his authority as Pope, interfere in any manner whatsoever with the temporal concerns of any state.

Was it ever admitted as a doctrine of the Roman Catholic church, that the Pope had any temporal jurisdiction out of the patrimony of St. Peter?—It never was admitted as a doctrine of the universal church, that the Pope could exercise temporal jurisdiction without the limits of his own territory; there may have been some individuals who held that opinion, but it never could be called or considered the doctrine of the Roman Catholic church.

In point of fact, was not that doctrine resisted by the north of Europe, whilst it was admitted by many persons in the southern countries of Europe?—Most undoubtedly.

And hence the difference between Transalpine and Cisalpine principles?—The Transalpine and Cisalpine doctrines, in respect to the authority of the Pope, differ; but what we call those doctrines, are doctrines held by individual divines of one country or the other.

Does any such difference now exist in any part of Europe with regard to temporal power?—I am not aware that there is a Catholic divine in existence at present, who holds the doctrine of the Pope having temporal power or authority over independent states.

Do the Roman Catholic clergy insist, that all the bulls of the Pope are entitled to obedience?—The Roman Catholic doctrine, in respect to bulls from the Pope, is that they are always to be treated with respect; but if those bulls or rescripts, proceeding from the Pope, do contain doctrines or matters which are not compatible with the discipline of the particular churches to which they may be directed, they feel it their duty then to remonstrate respectfully, and not to receive the regulations that may be contained in the bull or rescript which may emanate from the Pope.

Do Roman Catholics pray to Saints?—Roman Catholics believe that the blessed saints in heaven, replenished with charity, pray for us their fellow members here on earth. Roman Catholics believe, that the saints, seeing God, they see and know in him all things suitable to their happy state; that God may be inclined to hear requests made in our behalf by them, and to grant us many favours through their intercession. This manner of invocation is no more injurious to Christ, our Mediator, than it is for one Christian to beg the prayers of another in this world, as Saint Paul did.

When Roman Catholics are said to pray to the Virgin Mary, what is the meaning of that expression?—When they invoke the Virgin Mary, they do not consider that she can grant favours of herself, but that she may, through her powerful intercession, obtain favours from God for us.

Do Roman Catholics pay veneration to Images and Relics?—Roman Catholics allow a certain veneration, or honour, to be given to relics, and to the images of Christ, and his saints who have departed this life in the odour of sanctity; and they consider images useful, inasmuch as they may occasionally remind them of certain subjects and points of doctrine and religion, which may be most conducive to their spiritual welfare; but they renounce all adoration and divine worship of images and pictures. The Almighty alone they worship and adore, and pictures are used to excite our thoughts to heavenly things.

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Do the Roman Catholics consider those images or relics as possessing sense or intelligence?—Not the least sense or intelligence; and the honour or respect given to pictures and images, or relics of those pious persons who lived here on earth, has reference only to the character represented.

They consider, that they may be useful in reminding them of circumstances connected with religious duties?—Exactly so.

Beyond that, they attach no importance to them?—None.

It is stated in a publication called *A Protestant Catechism*, showing the principal errors of the church of Rome, that “Roman Catholics pray to angels and saints, to intercede for them, and save them by their merits,” is that a correct statement?—Not by any means; saints or angels cannot save us by their merits, except so far as they may be available in their intercession with the Divine Mediator.

Do they invoke angels or saints, with the same spirit with which they invoke the interference of our Saviour?—Not by any means; they address the Saviour as their Mediator, as their Lord, and as their God; and they address the saints as the servants or creatures of God, who have died in favour with Him. They can give them nothing of themselves, they only intercede with God for them.

Would the Roman Catholics conceive, that any other mode of prayer to the saints, would be admitting another Mediator between God and man, than the Redeemer?—If they were to pray in any other manner to them, than for intercession, I should consider it an error, and that they would be asking of them, what they had not the power to give.

Would not praying to them to save them by their merits, be, in point of fact, admitting another Mediator between God and man, besides Jesus Christ?—It would, if they thought the saints could save them by their own merits, without the mediation of Jesus Christ.

There is in this same book, a question, “What do you think of the frequent crossings, upon which the Papists lay so great a stress in their divine offices, and for security against sickness and ill accidents;” the answer is “They are vain and superstitious. The worship of the crucifix or figure of Christ upon the cross, is idolatrous; and the adoring and praying to the cross itself, is of all corruptions of the Popish worship, the most gross and intolerable.” Is it in point of fact, a part of the Roman Catholic practice, to worship the crucifix, or adore or pray to the cross?—Roman Catholics renounce all divine worship, or adoration of the cross; they use it as a memorial of the passion and death of our Lord and Saviour Jesus Christ, it reminds them of his sufferings and death for us; but the crucifix or the cross, has no intrinsic virtue or efficacy in it, more than any other inanimate substance; it is merely a memento to impress upon our minds, the mediation of Jesus Christ, and that it is through him alone, that we can expect salvation.

Is the respect and regard which the Roman Catholics bear to such image or crucifix, of the same nature as that which any other person might bear to a picture of a dear and absent friend?—Yes; respectively so.

Is there any worship in your church, of images, or of idols, or of relics?—There is no divine worship of images, of idols, or of relics, in our church; I have already stated the relative respect we entertain for certain images and relics.

Then do not you conceive, according to your judgment, that the charge of idolatry which is brought against your church, is an unfounded charge?—I consider it as most unfounded, inasmuch as we do not have recourse to those images, for any other purpose than what I have already mentioned; they are books for the illiterate; by looking at the crucifix, they are reminded of the death and passion of our Lord; further than that is not expected or desired.

In this same catechism, there is upon the subject of Penance, a statement, that the sinner is allowed to get another person to do penance for him, and besides, the Pope grants indulgences, whereby he remits all penances, not only of sin past, but sometimes such as shall be committed for a great number of years to come, or during a man’s whole life; and these indulgences, which cannot but be considered as licences for sin, are publicly sold for money; what would you wish to observe upon that statement?—The doctrine of Indulgences in the Catholic church, does not by any means imply the idea that sin can be remitted by indulgences; sin, according to the doctrine of the Roman Catholic church, can never be forgiven, without a sincere and hearty sorrow, accompanied with a firm purpose and resolution of amending life; and when the sinner so disposed, avails himself of the sacrament of penance, his sins are forgiven by sacramental absolution; but indulgence in the Roman Catholic church, never meant the forgiveness of sin, or

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of the pain eternal due to it. Indulgence means the remission or relaxation of the temporal punishment due to sin, after the eternal guilt and punishment had been previously remitted.

Is there any instance of any indulgence being granted for sins to be committed at a future period?—There can be no indulgence for sins to be committed at a future period; and there is no authority in the Catholic church, and there never did exist an authority in the Catholic church, which assumed to itself the power of giving leave or indulgence to commit sin at a future period.

Are indulgences ever sold for money?—I have never known an indulgence to be sold for money; I have read in books, that have been written against the Catholic religion, that it was the practice in the Catholic church to sell indulgences; but this is a misrepresentation and a mis-statement of the doctrine of the Catholic church; in some instances there may have been a commutation of temporal penances, and pious pecuniary contributions may have been substituted in lieu of some other atonement. But if mistakes and abuses have been committed, in granting indulgences, through the ignorance of particular persons, such abuses cannot be reasonably charged on the church, as it rejects and condemns those practices.

Can that commutation be obtained in the present age?—I am not aware how far it may be practised at present.

Is the sinner allowed to get another person to do penance for him?—In the Catholic church, every sinner is required to do penance for himself.

Is there any instance in which he can be allowed to get another person to do penance for him?—He is at liberty to avail himself of the prayers, and the good works of others, in his behalf.

Could that in any instance, excuse him from doing penance himself?—By no means.

In the doctrine of penance in the Roman Catholic church, is there not included, besides the outward acts of penance, a contrite disposition of mind, and a resolute determination to avoid sin in future?—In the Catholic church, we set no value upon the external act of penance, unless it be accompanied by repentance; unless in fact, it be accompanied by sorrow and contrition for sin, with a firm resolution not to relapse into it.

Therefore to the doctrine of repentance, as distinguished from penance, there is superadded the outward mark, which the Catholic church has connected with that change of mind?—Exactly.

What are the usual external marks of penance which are imposed, for example, in your diocese?—They are various; fasting, prayer, alms deeds, and other good works.

Are pilgrimages imposed as penance, pilgrimages to holy places, and the observance of duties at those places?—In some instances, pilgrimages may be imposed as penances; it is not a general practice.

Are those pilgrimages, which the Catholic peasantry in Ireland are accustomed to fulfil, voluntary on their part, or commanded by some authority of their church?—The pilgrimages they perform in Ireland, generally speaking, are voluntary. I have forbidden performance at wells, not that I consider it evil in itself; but in consequence of the abuses, which I have known to arise from those performances, I have thought it prudent to endeavour to put a stop to them, and have in some degree succeeded.

You say the church has the power of removing the temporal punishment of sin; by that you mean the penance enjoined?—Yes.

Is that temporal punishment remitted by virtue of the indulgence, or is it remitted by the Catholic clergy; after the indulgence being given, is the indulgence a qualification to receive the remission, or does the indulgence itself remit the temporal punishment?—The indulgence consists in the remission of the temporal punishment, that may remain due after the eternal guilt is remitted; this indulgence cannot be gained, unless the sin be previously forgiven; and after the sin and the eternal punishment due to the sin is forgiven, then the indulgence remits the temporal punishment, or a portion of the temporal punishment, that is due after the sin is forgiven.

In Ireland, how are those indulgences now granted, by what authorities, and in what manner?—The indulgences in Ireland are granted by the Pope generally.

Directly, or passing through the medium of the ecclesiastical authorities in Ireland?—Passing through the medium of the ecclesiastical authorities; they are sent to

to the ecclesiastical authorities, and they announce them to the faithful, who are at liberty to avail themselves of them.

Are they generally or individually granted?—Generally.

Are they granted generally to the Catholic communicants in a particular diocese, or to individual communicants forming part of that body?—There are some indulgences granted for the entire kingdom; there are other indulgences granted to particular dioceses.

Are they in those particular dioceses granted generally, or to individuals, at the pleasure of the bishop or metropolitan?—There are certain conditions generally required, in order to obtain the benefit of an indulgence; one of the conditions is, to approach the sacraments with proper dispositions, as inward sorrow, detestation of sin, and a firm purpose and resolution of amendment; when those conditions are complied with, on the part of the penitent, then the indulgence extends to him.

It is stated in this same catechism, that Roman Catholics hold that faith is not to be kept with heretics, and that the Pope can absolve subjects from their oath of allegiance to their sovereign; is there the slightest truth in those two accusations, or the most remote ground for them?—Not the slightest truth; as a minister of the Catholic church, I feel it my duty to declare, that I have always considered it imperative on me to impress on the minds of those who are under my spiritual care, that they are bound to keep faith with heretics, and all those differing from them in religion, as strictly and as rigidly as they would towards persons of their own communion. With respect to the allegiance that is due to the sovereign, the Pope has no right of interference whatsoever; we recognize no power in the sovereign pontiff, or in any other authority, to absolve us from the allegiance which we owe to our king.

By heretics, are all persons understood who are not of the Roman Catholic communion?—I should conceive there are many who are not within the communion of the Roman Catholic church, who yet are not heretics.

Are the individuals belonging to the Greek church considered as heretics, by the Roman Catholic church?—No, not at all.

They are considered as schismatics?—As schismatics; according to the doctrine of the Roman Catholic church, to constitute a heretic, contumacy in error with respect to matters of faith is necessary; and where there is not a contumacious adherence to error in matters of faith, there is no heresy.

Would not that character of heresy apply then to all churches which have separated from the see of Rome, and continued to deny its authority?—No; I do conceive that there are many, who are not of the Roman Catholic communion, whom, when it is their conscientious belief that they are not denying any thing which is essential to salvation, and that they have no means of having their error removed, I do not by any means consider as heretics, though they may not belong to the visible body of the Roman Catholic church.

Is it in the power of the Pope to grant a dispensation from observing an oath?—The Pope can grant no dispensation from observing a lawful oath.

Although the Catholic church would regard many of the members of the Protestant establishment as heretics, it does not necessarily regard them all as heretics, on account of their differing from the Roman Catholic church?—Not by any means.

All members of the Church of England believe in the same articles of faith, then how do you draw a distinction between those whom you say you would call heretics belonging to the Church of England, and those whom you say you would not call heretics belonging to the same church?—I have already mentioned that, in order to constitute a heretic, contumacy in error concerning matters of faith, is necessary; I think there are many who are invincibly ignorant of those articles of faith which we hold to be essential, and their being unacquainted with them, and having no opportunity of removing the error under which they labour, is a sufficient ground for not considering them as heretics.

Do you mean by your past evidence to state, that you conceive that all members of the Church of England believe the same doctrine, or that there is not a considerable difference of opinion among members of the Church of England?—I do not pretend to say, that all members of the Established Church hold the same articles of faith.

Will you be good enough to explain to the Committee, what you mean by the word Contumacy?—A refusal on the part of an individual to embrace doctrines necessary

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necessary to salvation, after having had a sufficient opportunity of being convinced of their truth.

If a person was not conscientiously convinced of the necessity of believing such doctrine, would you consider him contumacious?—If his ignorance was voluntary, I should consider him contumacious; if his ignorance was involuntary and invincible, I should consider him free from the guilt of contumacy.

Then, under that interpretation, would you consider all the divines of the Established church and of the Presbyterian church, and, in short, of every denomination of Christians differing from the Roman Catholic church, as contumacious?—If the errors which they held, were involuntary and invincible on their parts, I should not consider them so.

But if what are called errors, arise from a conviction in the mind of the person who holds them, of their not being errors, and are thereby involuntary on his part, would you then consider them contumacious?—When he has had sufficient opportunities of being instructed and enlightened, and he still continues to hold what I consider erroneous doctrine, I do no longer consider his error involuntary, I consider it voluntary, and then, of course, comes the guilt of contumacy.

Then, in short, every person who has had education, and has turned his attention to these matters, who has received the general instruction that people do upon a religious education, is, in your interpretation of the word, a heretic, if he does not agree with the principles of the Catholic religion?—I could not undertake to pronounce sentence upon any individual, the individual is the best judge whether he has used the necessary diligence, in order to remove his error; all I assert, generally, is, that those who, after having had a full opportunity of acquiring a knowledge of the truths which I consider necessary to salvation, and of having their error removed, if they still persist, I do consider such error on their part to be voluntary, and that they therefore become contumacious; but who the individuals are that are so circumstanced, is what I do not take upon myself to determine.

You of course believe that your own church is the true church; it is the nature of every church, that the conscientious professors of it believe that their own profession is the true one?—Yes; I do believe the Roman Catholic church to be the true one.

Then with respect to a person who differs from your church, if in your opinion it is merely error, on his part, and that he honestly and conscientiously differs from your church; and after he has endeavoured to inform himself, still continues in error, you do not count that person a heretic?—I do not count a person a heretic, whose error is involuntary and invincible.

What is the distinction you take between Schism and Heresy; is it that the one is voluntary, and the other involuntary?—No. Schism and Heresy are different things; schism refers to the government and discipline of the church, and heresy to its doctrines.

Whether a person differs in a voluntary manner, or an involuntary manner, still you consider that Catholics are bound to keep faith with him, as well as with one of their own communion?—Just as much as with persons of their own communion.

And all other moral ties that subsist between man and man, subsist equally between a Catholic and a heretic, and between a Catholic and one of his own communion?—Exactly the same; it makes not the smallest difference. All moral ties, all contracts, and all engagements, we are bound to fulfil towards those who differ from us in religion, as well as towards those who are of the same persuasion.

Then, if the Committee understand your evidence right, it is perfectly consistent with the general belief in the mind of a Roman Catholic, that a church which differs from his own in important matters of faith, may be heretical; that yet that Roman Catholic may not be disposed to visit with the severity of that opinion, individuals belonging to that church?—Exactly.

Do not you think it almost impossible, for one human being to look so into the heart of another, as to determine positively, whether he is in a state of involuntary ignorance, or of obstinate refusal to the truth?—I would not undertake to do it.

Do not you think, under those circumstances, that persons who differ from one another in religion, are bound to the observance of mutual duties as to each other, and to put a kind interpretation upon their motives and conduct?—They are strictly bound to love each other, and to discharge the duties of society and of christian charity towards each other, just the same as if they agreed upon every point of religious belief.

Is it your opinion, that the general question of Catholic Emancipation excites a considerable degree of interest among the lower orders of Catholics, in the part of Ireland

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Ireland with which you are particularly acquainted?—In the part of Ireland with which I am particularly acquainted, it is my opinion that the question of Catholic Emancipation engages the thoughts and the attention of all ranks of Catholics considerably.

—Though, in the case of Catholic Emancipation being granted, no particular or immediate benefits might be considered to be granted to the lower orders of Catholics, is it not your opinion, that they would look upon it as a boon to the Catholic population at large, removing from the higher ranks of their religion the mark of infamy and degradation which is now affixed to them?—I am perfectly satisfied that they would receive it as a boon, and that they would feel the utmost gratitude for it; and that it would tend most materially towards tranquillizing their minds, and leaving them more at ease than they can feel at present.

Do not you think it would have a soothing effect upon the lower orders of Catholics?—It would have the most soothing effect.

Do not you think the payment of the Catholic clergy by the State, would have a yet more soothing effect upon the lower orders in Ireland?—I am not aware that the payment of the Roman Catholic Clergy by the State, would by any means be considered a boon by the lower orders.

Do not the lower orders of Roman Catholics in Ireland feel an objection at times to paying the dues that the Roman Catholic priests receive from them?—In some instances, I have no doubt that they may feel some reluctance.

Would not relieving them from the payment of those dues be considered by them as a boon?—They would prefer paying their clergy as they do at present, to seeing them become the stipendiaries of government.

Do you mean to say, that they would prefer continuing to pay their clergy as they do at present, rather than to see them become the stipendiaries of government, if the grant of those stipends was accompanied by what is called Catholic Emancipation; or do you mean to confine your answer to the consideration of that grant, separate from Catholic Emancipation?—My answer referred to our present state; whilst the Roman Catholic laity remain excluded from the benefits of the constitution, I do conceive that they would feel much hurt at seeing their clergy become the stipendiaries of government.

You do not believe that the same jealousy would be felt by the Catholic population, if the two measures, a provision for the clergy, and the removal of political disabilities, on account of religious persuasion, were made concurrent measures?—I am not aware exactly what effect it might then produce; perhaps it would be then considered a kindness, provided the Roman Catholic clergy were allowed the free exercise of their functions, and there were no influence or authority, direct or indirect, exercised over them in the discharge of their duties.

Will you have the kindness to explain to the Committee, what interference with the discharge or exercise of their functions could be suspected, by their receiving a provision from the State, in lieu of their present mode of payment?—If, for example, the appointment of Catholic ministers were to be vested in those who differed from them in religion, they would conceive that in that case persons might be appointed as clergymen of their communion, whose selection might be influenced by motives distinct from the consideration of their fitness for the discharge of their duties.

Then the objection would be, not to the clergy receiving a provision from the State, in lieu of their present payment, but to allowing an interference in the appointment of their bishops or other clergy?—I should think principally so.

Then the doubts which you felt, with regard to the question how far a provision for the Roman Catholic clergy would be acceptable to the Catholics of Ireland, referred altogether to the independence of the Catholic Church in the question of appointments, and their protection from what might be considered an undue interference on the part of the Crown?—It is in that sense particularly I understand it at this moment.

Then, in the event of a payment for the Roman Catholic clergy being connected with arrangements that would secure the independence of the Catholic clergy, as well as being connected with Emancipation itself, have you any doubt that that measure would be acceptable to the Catholics of Ireland?—I really have not turned my thoughts to that question exactly, as it is now put; I do believe that some of the people would have no objection, in that event, to a provision being made for them.

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You have stated, you are not aware what the feelings of the Catholic population might altogether be; would there be any objection, do you believe, on the part of the prelates and clergy, to receiving such a provision, provided, as was stated in a former question, the grant of it was accompanied by the concession of political privileges to the laity, and the security of the independence of the Catholic church?—I cannot exactly answer what the feelings of our prelates and clergy might be on the occasion; I would not undertake to say.

Should you yourself, as one of the prelates of that church, have any objection to such a provision being made?—As one of the prelates of the church, I will candidly confess, I should prefer remaining as I now am.

Would you have any objection to state to the Committee generally, what the value or amount of revenue received by the bishop and clergy of your diocese, may be?—I can safely answer, I should think, although I have never made an exact calculation, my receipts, within any one year, never amounted to 700*l.*; and I do not suppose that, in general, they ever much exceed 500*l.*

With respect to the clergy of your diocese, what is the average income of a parish priest?—There may be three or four parishes in the archdiocese of Tuam, where the receipts of the priests amount to perhaps about from 250*l.* to 300*l.* per annum.

Do those parishes include the towns?—They include the towns.

The parish of Tuam is your own parish?—It is.

From what other sources, besides the parish of Tuam, is your revenue derived?—Each parish priest gives a guinea or two in the year, and for each marriage that is performed in the parish, there is a certain portion of that money given to the support of the bishop; those are the sources of his emolument as bishop.

Have you more than one parish?—I have the charge of Westport parish at present.

Is it the custom of the Catholic church to have unions of parishes, in the same manner as in the Established church?—It sometimes happens. On my appointment to the see of Tuam I found the revenues of it inadequate to the objects I had in view. I wished to establish an episcopal seminary, and to establish schools for the education of the poor; and I wished, besides that, to have it in my power to give occasional assistance towards the erection or repair of Roman Catholic chapels throughout my diocese: and finding that the revenues of the diocese were inadequate to those objects, I made application to be allowed to hold another parish along with the parish of Tuam, in order that, by receiving some emolument therefrom, I might be able to fulfil those objects I have alluded to.

How do you administer the parish of Westport?—By curates.

May the Committee ask, what is the value of that parish?—I should think about 300*l.* a year.

Is the union of parishes, in themselves separated by great distance, usual in the case of Catholic archbishops or bishops, with a view of augmenting their income, or supplying the inadequacy of their income?—The principal object I had in view, in obtaining a second parish, the parish of Westport, was what I have stated, I had other objects besides; I did apprehend, that perhaps if I were to send another priest to the place, he would not be very kindly received by certain individuals there, and I thought that an unpleasant difference would be avoided by taking the parish in charge myself.

When you state the average income to be from 500*l.* to 700*l.* a year, of the parish of Tuam, and of your office of bishop, do you mean to include the produce of the parish of Westport also, or is that an addition to the average income?—Although I have held the parish of Westport now for nearly three years, I can declare safely, that I have not received 100*l.* out of it during the whole time I have held it. The poverty of the people was such, that I gave directions to the curates there, in consequence of the severe pressure of the times, and the distresses of the people in that town and parish, not to be very urgent in the collection of the dues, for which reason I have received very little emolument out of it.

Is there the same union of the bishopric of Ardagh with the archdiocese of Tuam in the Catholic, as there is in the Protestant church?—No.

Do you hold any bishopric united with the archdiocese of Tuam?—None.

Did you mean, by stating that you would rather things remained as they are, with respect to any project of a stipendiary provision for the clergy, to carry your objection to that stipendiary provision so far as to say, that you would regret it should be carried into effect, provided it facilitated the great question of Catholic Emancipation?

Emancipation?—I should be very sorry to raise the slightest difficulty in the way of Catholic Emancipation, and I would make great sacrifices of my personal feelings as to the mode of provision, were such sacrifices essential to the attainment of that object, inasmuch as I consider it a paramount consideration.

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TWELFTH DAY.

Mercurii, 23^o die Martii 1825.

SIR HENRY PARNELL, BARONET,

IN THE CHAIR.

The Most Reverend *Oliver Kelly, D.D.*, Titular Archbishop of Tuam,
again called in, and further examined.

HAVE you been able to observe any increase in the population of the district with which you are acquainted?—For the last twenty-four years that I have been in Ireland, I have observed a very considerable increase in the population of the part of the country where I have been residing.

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Have you been able to discover any distinction in the ratio of increase in those districts where the situation of the people is improved, as compared with the increase of the population where the people are in a great state of misery?—I think I have. About the year 1806 I was appointed to a parish in the county of Mayo, along the sea coast, between the towns of Westport and Newport, and I found that the people who inhabited that district were extremely comfortable; they were more industrious than the generality of the people in other parts of the country; they were weavers; they had taken spots of ground along the sea coast, and they employed themselves occasionally at the linen business, at other times in tilling their little farms, and where an opportunity offered, in fishing; by those means they became much more comfortable than the peasantry in other parts of the country, and the increase of the population was not so rapid.

Have you been able to compare the number of marriages which took place in a district like that which you have described, with the number of marriages that took place in the more agricultural and less prosperous districts?—Yes, I think I have; I did observe, that in those prosperous districts the marriages were not so frequent as I found them in more impoverished districts.

In those more prosperous districts you found that there was an indisposition, on the part of the people, to contract improvident marriages?—I found that there was an indisposition, on their part, to contract improvident marriages; I have perfectly on my recollection that the circumstance struck me at the time, and that I did inquire amongst the people how it happened; and the reply I received was, that they had no idea of entering into the matrimonial state until they could acquire a competency for their own support, and the support of a family. In other parts of the country, where I observed very considerable poverty, I found a greater indifference about their future comforts than among persons in a more prosperous situation in life.

Then do you believe that every measure which has a tendency to augment the comfort of the peasant, and raise his condition in society, has also a tendency to check improvident marriages?—Decidedly; from the experience I have had, and from the observations that I have made.

Do the peasantry feel any considerable difficulty in providing themselves with habitations of a decent and respectable kind in your part of the country?—Very great difficulty.

Is there much timber available for those purposes within the reach of the peasantry?—There is a great want of native timber, there is very little of it grown in the parts of the country I am acquainted with; and the foreign timber is quite beyond the reach of the poor, and therefore they cannot make their habitations comfortable or convenient; and I have heard them frequently make the remark, that if they could get timber at a cheap rate, they would endeavour to make comfortable habitations for themselves.

Is not the high price of foreign timber in Ireland a great obstacle to the building of slated houses for the peasantry?—I think it is.

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Do you conceive that a reduction of the duty on foreign timber would place timber and slated houses within the reach of a class in Ireland who are now prevented from making use of it from the high price of the article?—I know it would; I know that if the duty on foreign timber were reduced, it would enable many to build comfortable houses, who are now obliged to content themselves with thatched cabins.

Do you conceive that any facility given to the peasantry to improve the state of the houses in the country, would also have a tendency to check the increase of the population to which you have adverted, on the principles laid down in the early part of your evidence?—I am decidedly of opinion, that any thing that would tend to improve the condition of the peasantry, would be a check on improvident marriages.

Is it the custom in that part of Ireland with which you are connected, for landlords to give long leases to their tenants?—No.

What is the general term?—One life, or twenty-one years; whichever may last longest.

Are the peasantry aware, under such a tenure, that if they plant and register their trees, they become the actual proprietors of that timber when grown up?—I have endeavoured to impress that upon them, but I do not know that it is generally understood.

Have you found any of the tenantry sufficiently enlightened to follow that advice?—The planting of trees is a matter not much attended to by them; the forms necessary for the registry may in some degree account for it.

Can you at all inform the Committee what is the expense of the timber that would be necessary for building a slated house for that kind of peasantry who would be likely to build it?—I could not exactly say.

Could you draw any comparison between the price of the wood with which they at present support the roof of this house, and what would be required in order to support a slated roof?—I dare say it would require four times as much money to put on a roof fit for slates as it would for a thatched cabin.

Can you tell what would be the cost of a roof constructed as at present?—It depends upon the part of the country where the houses are built; from 20s. to 40s. I suppose.

The question of the transport of the timber is a question quite independent of the duty?—When I speak of from 20s. to 40s. I speak of the timber they now use.

You conceive that you might calculate that a roof of foreign timber, fit for supporting slates, would cost three or four times that amount?—Yes, at least.

Do you know at all the difference between the value of slates for a roof and the thatch that is at present used?—In the parts of the country I am acquainted with there are slates of different prices; between the cheapest kind of slate and the thatch roof there is a very considerable difference; in fact, the thatch they do not consider an expense; the straw they make use of grows on their own little farm, they do not purchase it.

Could you form any estimate of what would be the value of the whole tenement of a poor person, if built with foreign timber and with slate; what would be the cost of building at the present price of timber?—I conceive I could not complete such a comfortable habitation as would be sufficiently spacious for a family under seventy or eighty pounds.

Have the lower orders any capital which would go to build such improved houses?—Not at present, the lower orders in that part of the country have no capital.

Do you know whether many of the farmers who now build thatched houses of a better description than those occupied by the peasantry would not be disposed to build slated houses, and whether they do not possess the means of doing so, if they could procure the timber at a cheaper rate than at present?—When I spoke of the expense of building houses I alluded to the better order of the poor, many of whom I know at present do live in thatched cabins who would, if the materials were cheaper, build more comfortable houses for themselves.

Have you known the circumstance of the occupation of thatched houses by the description of farmers to whom you refer made a means by which they were intimidated by the White Boys, the Ribbonmen; and the disturbers of the public peace?—I declare I have not.

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Can you tell the Committee whether a new plan which has been adopted in several parts of Ireland, of covering the poorer kind of houses with a mixture of lime and moss together, has been adopted in the diocese of Tuam?—No, I have not seen it adopted.

Have you heard of the process of covering cottages with that mixture?—No, never till now.

Can you inform the Committee upon what principles the clergy in your archdiocese have acted with regard to improvident marriages; whether they have taken any steps to discourage them, or whether they felt themselves at liberty to do so?—I know, whenever consulted, they always recommend those who enter into the matrimonial state, not to do so without having the prospect of being enabled to support, and to make out subsistence for their families.

Is there not a fee paid upon marriage in your church?—There is.

Have any instances come within your knowledge in which the receipt of that fee has tended to encourage improvident marriages, or has induced the priest to recommend them?—I have never known or heard of a priest recommending marriage for the sake of the fees.

Have you known any instances in which Roman Catholics, both parties being Roman Catholics, have agreed to be married, and have been actually married by Protestant clergymen?—I have known instances where the Roman Catholic parties have made application to Roman Catholic clergymen, and have been refused on account of canonical impediments, and the parties were subsequently married by a minister of the Established Church.

At what age of the parties, can you inform the Committee, are marriages usually contracted among the peasantry?—Very young; in general the females marry at eighteen or twenty; the males at twenty-one, twenty-two, and from that to thirty.

Almost universally, are they not married before they are one or two-and-twenty?—Generally speaking, the females are.

Is the practice of subdividing land by the father or chief of a family usual in the part of the country with which you are acquainted, in order to enable them to contract those marriages?—It is quite a usual thing in that part of the country.

Will you have the kindness to state to the Committee any facts which have come to your knowledge, if any are within your knowledge, with respect to the subdivision of land, and the accumulation of families upon any particular districts, owing to that practice, accompanied by that of early marriages?—I can bring to my recollection a farm which was originally leased to about twenty families, and I recollect to have seen sixty different families afterwards living upon the same farm.

Was that in the neighbourhood of Tuam?—It was.

Do you happen to know whether the land or the farm upon which that immense increase of population arose was derived immediately from the proprietor of the fee, or through a gradation of landlords or interests?—It was derived immediately from the landlord in fee.

Was the subdivision of land which resulted from this state of things that over which the landlord had any control, or was the tenantry multiplied in this manner without any intervention of his?—There was no intervention on the part of the landlord.

Then it grew from the natural causes of the subdivision of the soil, and the increase of marriages?—Entirely.

Was the tract of land an extensive district upon which this great augmentation took place?—The tract of land was not very considerable; they were obliged to have recourse to other parts of the country to have tillage, in what we call, in that part of the country, Conacres.

Will you have the kindness to explain to the Committee what the practice of conacres is in the county of Galway?—The practice of conacres in the county of Galway is, that a poor man who has not land, or a sufficiency of land of his own, takes an acre, or half an acre, or less, from some person for a single season, and takes the crop of that year off the land.

Is not the practice of burning the soil usual upon taking the conacres?—That is sometimes allowed; many persons have an objection to have their land burnt.

Either process is a great exhaustion of the soil?—Very considerable in some soils.

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Then do you mean to describe to the Committee, that the circumstance of the increase of the number of families upon a certain district within your knowledge was so great, that, for the purpose of having absolute support, the people who lived upon that soil were forced to recur to this practice of conacres upon another estate and property?—They were obliged, for their absolute support, to have recourse to another property.

Was that farm upon which this subdivision took place a considerable farm in the first instance?—A very considerable farm in the first instance; it would have made the twenty families comfortable, without being under the necessity of having recourse to any other land.

Will you have the goodness to state, if you can form any sort of estimate, what the number of individuals might have been in those sixty families?—The average I always make in families is six.

Then on this farm the number had increased to 360 souls?—Thereabouts.

Have you ever been able to compare the result of your own enumeration of the people in any one part of your district with the number contained in the last population returns?—Yes, I have in some instances.

What has been the result of that comparison?—So far as ever I examined, I always found the population under-rated.

In the population returns?—In the population returns.

As far as your experience goes, the number of people in your district is above the return officially made to Parliament?—I think so.

In what proportion?—I could not exactly say.

Do you know any one instance you can state the number; in the county of Mayo, for instance, or any other part of your district?—I could not exactly adduce any instance, but the general impression upon my mind always was that the population was under-rated.

Are you able to state the proportion of births to deaths in your diocese, or in any parish in your diocese, in a year?—I could not at this moment.

What is your opinion with regard to the proportion that the number of Roman Catholics bear to Protestants in your diocese?—I recollect that in the year 1815 the Catholic clergy took a census of the population in the parish of Tuam, and it amounted to 6,000 souls, and at that time the proportion was, that of those 6,000 there were 380 Protestants, and the rest were Catholics.

What counties are there in your diocese?—Parts of the county of Galway and the county of Mayo, and one or two parishes in Roscommon.

Have you, or has any person under your direction, taken any regular census of any part of the diocese?—The parish priests in general can pretty nearly ascertain the amount of the Catholic population of their respective parishes.

In what instances is it that you have discovered an error in the population returns?—Comparing the population of some of the small towns in my diocese, and also the returns of the Roman Catholic clergy, with those made to Parliament, I found the latter under the returns made by the Roman Catholic clergy.

Are those returns made from actual enumeration, or from calculation?—In the instance of Tuam it was done by actual enumeration.

The Committee understood you to state that the population return that was recently taken was incorrect?—I did not say incorrect; but I mentioned that, in the population returns I had looked over, I found that they were under the idea that I had formed of the population of the districts to which I looked.

Then your conviction of their being under-rated in the population returns arises from that calculation, and not from any actual enumeration?—My belief that the population was under-rated in the census proceeds from my comparing those returns with the reports of the Roman Catholic clergy.

Were those reports of the Roman Catholic clergy generally founded upon actual enumeration, or only upon calculation?—In the instance of Tuam it was by actual enumeration; in the others it was from a calculation, knowing the number of families and averaging the number of individuals in each family.

Have you any of those returns that have been made to you by the Roman Catholic clergy?—I have not got one.

Could you furnish the Committee with them?—I could not at this moment.

Was there not a return made during the season of distress in Ireland of the number of persons relieved in the county of Mayo from actual enumeration; from the distribution of that relief?—I really never thought that enumeration correct.

Did you consider that it was above the actual number or below it?—Generally above it.

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Then you do not conceive that return to be correct?—I do not consider that return correct.

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In enumerating the causes of the increase of population in Ireland, do not you think that the facility of procuring fuel is one of the chief causes?—The facility of obtaining fuel is a great encouragement to the building of cabins.

Is not turf the common fuel?—Turf is the common fuel.

Is the turf bog leased out to the tenantry in the same manner as their lands are leased, or is it held by the landlord in his own power?—It is generally held by the landlord in his own power, and not included in the lease.

Has any landlord, within your knowledge, ever refused permission to cut turf, with the view of keeping down the population of his district?—No, I have never known them to do so for that purpose. I have known landlords not to allow tenants to cut more than a certain quantity of turf, but that was to prevent the bog being exhausted.

You were stating to the Committee the circumstances under which the population has increased in some particular parts of the diocese of Tuam, and having among other causes mentioned the subdivision of land, would you have the goodness to inform the Committee whether that subdivision of land has been increased by any other causes that contribute to it besides the early marriages; in point of fact, whether the landlords of the country have at any time contributed to its increase?—I have reason to believe that the landlords of the country have often contributed to it for the purpose of increasing the number of freeholders.

As contested elections have more than once taken place in the county of Galway, and in the county Mayo, both which counties are in part within your diocese, you have had an opportunity, doubtless, of witnessing the manner in which votes are manufactured in those counties?—I have heard and seen a good deal about it.

You reside in Tuam?—I do.

Tuam is a quarter sessions town?—It is.

Have you not seen the registry of freeholders constantly proceeding in that town?—Frequently.

Have you had an opportunity of knowing how a freehold is created, and what the class of persons is to whom it is given, as well as the interest which they generally have in the tenure of their lands? The Committee take the liberty of referring to you, because they know that Tuam has been a considerable manufacturing town.—I have known landlords of the country to parcel out their lands into small portions, making leases of a life or twenty-one years to their tenants, for the purpose of enabling them to give a vote at elections.

What is the smallest portion of land out of which you have known a freehold registered?—They register out of three acres sometimes.

Have not instances come within your knowledge of one or more freeholders being registered out of less than three acres?—They may perhaps have registered out of less.

Are not the farms in your part of the country generally held in joint tenancy?—They have been.

Is not that the usual practice?—It has been the usual practice.

Are not the population of the country in the county of Galway usually congregated in villages, and not residing in separate houses?—They are.

Those villages are generally held under a separate lease?—They are.

How many partners in the lease?—Ten, twelve, or twenty partners.

And the holders in such joint tenancy divide again, as you before described, to their sons and sons-in-law, and the members of their families?—Yes, they do.

Are they not obliged by the landlord, or induced perhaps, to create a freehold interest in each of the persons upon whom such small subdivisions of land have devolved?—In many instances.

They all are brought in to be registered?—In many instances they are.

Will you have the kindness to describe any of the scenes of registry which have taken place within your own observation?—I have never been present at a registry, but I have met the unfortunate people who have registered very often.

Do you mean coming in, or returning from registering?—Before and after registering.

Have you ever conversed with those persons?—Yes, I have.

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Will you have the kindness to state the tenor of their conversation, or of their observations upon the task they had been performing?—They have often called upon me to represent their condition, and stated that the quantity of land they held was very small; that they were very apprehensive about taking the oath that they were forty-shilling freeholders; and they requested me to advise them what to do upon the occasion. My advice uniformly was, for no person to register as a freeholder unless he could do it with safety to his own conscience. I have met them afterwards, and they acknowledged to me, that although they did not feel their consciences quite at ease, they were obliged to register those freeholds; that they had been threatened to be expelled from their holdings, and to be deprived of their land, unless they registered those freeholds.

Will you have the kindness to explain to the Committee, seeing that the persons so registering had a freehold lease, what the circumstances of the peasantry of that country are; in general, which enable the landlord to execute the threat of expelling them from the possession of their land?—In some instances, bog is not included in the lease which the tenant has; and in order to get rid of a tenant, although he may have a lease, the landlord withholds the use of the bog from him, and he can no longer keep the holding. In other parts of the country, along the sea coast, the lands are not of value, without the help of sea weed, or what they call rack, which they make use of as manure for the ground; and the liberty to cut this sea weed, or rack, is not included generally in the lease: when, then, the landlord wishes to get rid of the tenant, he has only to refuse him permission to cut rack.

Does not the circumstance of joint tenancy, and the failure of any one tenant in the copartnership, give to the landlord an indefinite power over the whole of those who hold in such tenancy, and to compel them, if registered as freeholders, to submit to his dictation?—I think it does.

Do you not conceive, then, that any proposition which should have for its object to discourage the joint tenancy of farms, would in itself contribute very much to raise the tenant in his own class of society, and to make him in a great degree more independent of his landlord?—Decidedly. I think the joint tenancy system is very injurious to the prosperity of Ireland.

Have you ever been present at a contested election?—No, I never was; I never was at an election in my life.

Then you can give no information to the Committee of the manner in which freeholders are brought up to vote in Ireland?—Not from actual observation.

If there is any information you can give the Committee on that subject, the Committee will be glad to hear it?—The general impression upon my mind is, that the system is replete with much mischief; that it is highly injurious to the morals of the people; that it is a source of perjury in many instances.

You can have no doubt either of the effect it must have generally upon the population of the country, the being either induced or menaced by their landlords, who are their magistracy, and who ought to be their protectors, and instigated to the commission of the crime of perjury for the sake of advancing the political influence of the person under whom they derive?—Not the least doubt of it.

You have stated, that you have met with and conversed with many of those whom you justly describe as unfortunate people, who have been compelled to register their freeholds; have you found, generally, amongst the peasantry of the arch-diocese of Tuam, that the people themselves, after having so registered, set any great value upon the possession of their franchise, or that the possession of it raises them in their own estimation or in that of others?—I really do not think it does in the slightest degree raise them in their own estimation.

Or in that of others?—Or in that of others; and if they were left free, I am convinced that many of them would prefer much being allowed to take no share in the election, under their present circumstances.

The observations which you have made apply to both the counties?—To both the counties, the county of Galway and the county of Mayo, so far as I am acquainted with them.

Then you do not think that any legislative enactment, the effect of which would be to raise the qualification of freeholders, would be one that would be generally unpalatable to the mass of 40s. freeholders themselves?—As to what the effect of it would be in a political point of view, I will not attempt to offer an opinion; but as to the moral effect of it, I am convinced they would be most happy if there was some reform in the present manner of registering 40s. freeholders.

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Do you think that on the whole the people would consider it as a measure calculated for their happiness, if the 40s. freeholds were done away with?—I declare it is my opinion, that a vast number of them would consider it as conferring a great favour on them under the existing mode and circumstances.

Have you any doubt, that if such a measure were made concurrent with the grant of political privileges to the Catholics generally, that to the body of the Catholics such an act would be unobjectionable?—To the poor I think it would be unobjectionable, and probably to the better order of the Catholics also.

Are you of opinion, that raising the elective franchise from 40s. to a higher sum, say 10l. or 20l. would be palatable to the lower orders of the present existing 40s. freeholders?—I believe some of them would consider that it would better their condition, others perhaps not.

In point of fact, is not a large proportion of that class of persons who are now registered as 10l. or 20l. freeholders, or who might register freeholds to that amount, of the Catholic persuasion?—A great portion of them are in my part of the country.

In towns they are unquestionably so, and the middling order of farmers is almost exclusively Catholic?—Yes.

Would not all the poorest description of 40s. freeholders consider it a relief from what is now considered by them a great inconvenience, if the qualification was raised to 10l.?—I am perfectly satisfied that many would consider it a relief.

Would not a great number of the better description of 40s. freeholders be able to qualify at the new rate of 10l.?—They would.

You have said, that, morally speaking, the people would not object to the qualification being raised, but you doubted as to politically; will you have the goodness to tell the Committee whether you have any authority for saying that there would be a political objection to such an arrangement?—I stated that as to the political effects of it I could not speak, but I was thoroughly convinced as to the moral effects that they would be good.

You have stated, that you think the moral effects of altering the rate of the elective franchise would be beneficial to the general condition of the people of Ireland?—Of the poor.

Is it not your opinion, that if the system of 40s. freeholds, the abuse of the system rather, was totally altered and done away, that that would be a better mode of benefiting the moral condition of the lower orders of Catholics, than raising the rate of qualification from 40s. to a higher rate?—Any alteration that would check the evils of the present system must lead to the improvement of the public morals.

Do not you think, that doing away the 40s. freeholders as they are now, not the real *bonâ fide* 40s. freeholders, but the 40s. freeholders in joint tenancy, would more improve the condition of the lower classes than raising the rate of voting in joint tenancy?—I am satisfied it would.

The better way to correct the moral evils would be to do away the system entirely?—Certainly.

Can you point out how it would be possible to make such an arrangement?—I declare I could not without due consideration.

Do you think, that in the state of dependence in which the Irish peasant is necessarily kept by the situation in which he stands with relation to his landlord, it would be possible, under any circumstances, with respect to an agricultural population such as that of Ireland, to regulate the registry of the 40s. franchise in such a manner as to prevent its abuse?—I do not know, at this moment, in what manner the abuse could be remedied.

You are aware that a bill passed the Houses of Parliament a year back, or two years back, which was intended to prevent the registration of votes under joint-tenancy leases?—Yes.

Did the enactment of that law produce any dissatisfaction whatsoever amongst the 40s. freeholders within your observation?—None whatsoever.

Did you hear any one amongst them complain of the effect of that law in limiting the 40s. franchise?—I never heard one complain of it.

On the contrary, have not you heard the people express their satisfaction at the encouragement that was afforded to the abolition of the system of joint tenancy?—All that I have heard speak of joint tenancy seem to be well pleased at its being done away.

Have you ever met an industrious working peasant who did not complain of the system of joint tenancy as subjecting him to inconvenience, and the loss which must

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fall on him from the failure or negligence of those who were his partners?—I have often heard them make such complaints.

In the counties of Galway and Mayo, with which you are connected, are there any persons in the condition of small farmers who hold a fee of five or six acres of land, or who hold land in perpetuity to that amount?—Very few; I do not know any hardly; there may be some few.

Are there any in that condition in the towns with which you are acquainted?—No, not so low as that.

With respect to the principle of disfranchising the 40s. freeholders, do not you think it would be unfair to deprive men, under those circumstances, holding a fee of land of a small number of acres, or holding a lease in perpetuity, by which they have no more than a 40s. franchise, although they have that, to deprive them of their franchise?—I think if they had a lease in perpetuity, and that it was worth 40s. to them, that it would be doing injustice to them.

In short, the same reasons do not hold good with respect to that description of freeholders that hold good with respect to the common 40s. freeholders of Ireland?—No doubt of it; I do not consider that depriving the common freeholder of his franchise is depriving him of a right; on the contrary, I think it is, in many instances, conferring a favour upon him, relieving him from doing that which he is unwilling to do, but which dread and intimidation induce him to do.

In the event of disfranchising the 40s. freeholders in counties, and retaining them in towns and cities, would not the effect of that be to throw the great power of returning the members for the county into the hands of persons residing in towns?—I should think not.

If the 40s. freeholders are retained in towns and abolished in the open country, if there exist any number of 40s. freeholders in towns, it must give them a great preponderance?—Yes; but if the country were divided into small farms instead of having those joint tenancy leases, and if the inhabitants were allowed another right of voting; for example, raising it from 40s. to 5*l.* or 10*l.*

Can you inform the Committee what is the size of the town of Tuam?—Of about 800 houses: the suburbs and all, about 1,000.

If the system was to allow the 40s. freeholder in a town to retain his vote, would not that system give the town of Tuam, a very small town, a very unfair preponderance in returning the members for the county?—I do not know a single 40s. freeholder at all in the town of Tuam.

Is not that town principally bishop's property?—Yes.

Would not those observations apply to a town that was not held under a bishop: for instance, the town of Westport, in Mayo?—Those observations would be applicable to Westport.

Or to any town of a freehold tenure?—Yes.

Does it not appear to you that that would be a very blind way of legislating with respect to the 40s. freeholders?—I do not see the injury it would do to those who in the country would be deprived of their vote, because I do not consider they generally set any value upon the right of voting; they derive no benefit from it.

Does the description of tenant inhabiting a small house in such a town as Tuam or Westport, enjoying a 40s. franchise, differ very much from the description of man who at present resides in the country and enjoys the elective franchise?—It does.

Will you state the difference?—A man in a town enjoying a 40s. freehold is more comfortable, possesses more advantageous tenure, and more opportunity of employment.

When you drew a distinction between the 40s. freeholds in towns or cities and the 40s. freeholds in the country, did you mean the 40s. freeholds in towns and cities of counties at large, or did you refer to peculiar and corporate jurisdictions, such as the town of Galway, the county of the town of Galway, the county of the city of Kilkenny, or cases of that kind?—There is no town within the arch-diocese of Tuam which I could call a corporate town save that of Tuam, in which there are no 40s. freeholders.

Do not you think the disposition amongst Irish landlords is so strong to create 40s. freeholders, and to make their property subservient to political purposes, that if the 40s. freeholders in the counties were abolished, those possessing property in towns would immediately set about the creation of 40s. freeholders for the purpose

of

of giving them the political right?—I do not see exactly how they could make 40s. freeholders in towns to such an extent.

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Would you conceive it expedient to preserve 40s. freeholders in such a town, for instance, as the town of Westport, in the county of Mayo, unless that 40s. freehold tenancy was a tenancy for ever, or a tenancy in fee?—Unless it was a tenancy for ever I would not consider it should be preserved.

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Do the whole of your observations with respect to 40s. freeholders apply to that class of persons who are dependent upon the proprietor of the soil?—The class of persons against whom I object as voters out of 40s. freeholds is that of persons having only a short tenure of land.

And your objection is equally applicable to the freeholders in towns and cities?—Yes.

Then your observations apply all together to 40s. freeholders of that description voting in counties?—Yes.

Is this right of voting upon a 40s. freehold property called a franchise, generally speaking?—It is called a franchise in general.

Generally speaking, do those 40s. freeholders exercise any freedom of election?—The poorer order of the 40s. freeholders certainly have no freedom of election, generally speaking.

Is not it considered dishonourable in a candidate to canvass the freeholders of an adverse proprietor?—Yes, I believe they do consider it dishonourable.

Is it not regarded as a species of poaching?—They certainly do not interfere with each other's tenants.

You have described yourself as meeting some voters who had returned from registering themselves, and you added also from perjuring themselves, according to their own representation; how were those unfortunate men dressed?—Very poorly.

Had they shoes to their feet?—Some had.

And some had not?—I have seen some who had not.

Did not they bear more the appearance of mendicants than of independent electors?—They had very little appearance of comfort about them, many of them.

How are they collected together, and conducted to the sessions for registering?—I have already mentioned I have not been present at any of those registries.

Do you think that increase in the qualification for the exercise of the elective franchise in Ireland would increase or diminish the Roman Catholic interest in that country?—I do not think it would diminish the Catholic interest in my part of the country.

In the arch-diocese of Tuam, what is the state of the chapels in the different parishes, and what is the character and degree of accommodation afforded to the population of the Catholic persuasion for the celebration of religious worship?—The state of the chapels in the arch-diocese of Tuam is very wretched.

Will you have the kindness to give any detailed information upon that point to the Committee that you have had an opportunity of making a note of?—As far as my memory has been able to serve me, without having any document to go by at the moment, I believe that there are in the arch-diocese of Tuam from about fifteen to eighteen slated chapels, and eight or ten now in progress; there are in all about one hundred and six places for Catholic worship.

You mean buildings?—Yes, I mean buildings of some description.

How are they protected from the weather?—With the exception of those I have mentioned, all the others are thatched chapels; some of them wretched, none of them sufficiently spacious to contain the congregation, and in many instances the public prayers are celebrated in the open air, having no covering but the canopy of heaven.

Are those chapels which are of a better description usually in the towns within the diocese?—In the towns usually.

Can you state to the Committee the number of the largest congregation which has been in the practice of assembling at any one of those places where the accommodation is insufficient?—I have known congregations to average from 1,000 to 1,500 where they had not sufficient accommodation in places of worship.

Where there are chapels for the reception of the people, is it the practice for great numbers to assemble without side, in the neighbourhood of the place of worship, or do they so from the impossibility of their being received and accommodated within the building?—They remain on the outside because there is no accommodation, no room for them in the inside.

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Do they equally remain outside notwithstanding the inclemency of the weather, or other circumstances which might add to the inconvenience of their being so exposed?—They remain outside under the inclemency of the weather for the purpose of offering up their prayers, and because they cannot get room and accommodation in the house.

From what distance have you known the people in the habit of sometimes coming to resort to a place of worship?—I have known them to resort to a place of worship at a distance of four, five and six miles.

And regularly to resort on days of worship from such a distance?—Yes.

Are there any parishes within the Unions in your arch-diocese, in which there is no place of worship whatever?—I know of no Union that has not some place of worship.

Will you have the goodness to describe to the Committee such a place of religious worship as that you have last alluded to, what may be its size, the mode in which it is constructed, and the probable expense of such an edifice?—I have seen some of those edifices where the walls of the house were not above eight or ten feet high, twelve or fifteen in breadth, and forty or fifty in length.

Thatched of course?—Thatched.

For what number of persons might that have been intended as an accommodation, or rather what might be the number of the congregation to attend where only such a building existed?—The number of the congregation that is expected to attend, if there could be accommodation for them at many of those places, would amount to 1,000 or more.

Have you any funds in your arch-diocese, or other resources applicable to the construction of places of worship, or to the keeping them in repair?—No funds whatever, except the voluntary contributions of the faithful; the contributions of the clergy and the bishops, and the aid they receive from their Protestant brethren and neighbours.

Has that aid been liberally given, and without any admixture of religious feeling?—I have been very much engaged in erecting chapels; of the slated chapels that have been erected, most of them have been in my time; I have been in the several parishes myself, and have taken a part very frequently in the collection, and I do not recollect any instance of my being refused by a Protestant gentleman when I applied to him to contribute towards a chapel.

Placing out of consideration the advantage and the comfort that it would be to the people to have suitable places for their reception, do you conceive that any act would be more acceptable to persons of the Catholic persuasion in Ireland than some means being afforded for improving their places of religious worship?—I know of no act that would give the Catholic population of Ireland so much satisfaction as to see that there was some arrangement for the erection of houses of worship for them.

Is it not usual, when the inferior class of the persuasion are unable to contribute money, for them to contribute their labour, and in other ways to compensate for the deficiency of that subscription which they cannot afford to give?—Yes; they give their labour where it is a thatched chapel, the poor bring straw, and they give aid in that manner towards the repair of the chapel.

The assessment made upon such occasions, though in its name voluntary, is in point of fact, upon those who are able to contribute any thing, an obligation which cannot be avoided?—It cannot be conveniently avoided, and in order to reconcile the people in some measure to it, the plan I have pursued in having those chapels erected is to recommend the clergyman to form a committee in his parish, this committee to consist of the principal men in each village, and to appoint a treasurer, and that the priest, with the aid of the principal men in each village, would lay an assessment upon the people according to their circumstances, this assessment is collected in the best manner it can, then put into the hands of a treasurer, and expended afterwards upon the building.

Have not instances come frequently within your knowledge where the assessment made in this manner has fallen very heavily upon the people, and has been complained of by them, although submitted to for the sake of having a place of worship?—Many instances have occurred where they complained of the assessment, and of being called upon for this aid.

Are there any means of enforcing that assessment?—No means whatever of enforcing; the clergyman threatens to withhold his services from them, and reproaches them for not contributing; and I know of no other means whatever of enforcing it.

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But, those appeals from the clergy have generally been found successful as far as their means have permitted them to contribute?—Yes.

What do you understand by the clergy threatening to withhold their services from them?—What I allude to is, the practice of churching females after their accouchement, and the clergyman, unless he finds that the husband has paid his portion of the cess, does not church the woman till that money for the erection of the chapel is made up.

Is that the only service that they threaten to withhold?—That is the only service; they never refuse the administration of sacraments by any means.

Are there many parishes within your arch-diocese in which there are no resident gentry of either persuasion, either Catholic or Protestant?—There are some.

In which county?—In both Galway and Mayo.

Have the Catholic clergy in any parish within your arch-diocese any glebe, or possession of other land in right of their pastoral character, or as bequeathed to them by any persons of their own persuasion to be held by those who hold their office?—I know two instances.

Will you state those instances?—One in Castlebar, and one in Tuam.

Are those ancient endowments?—No; the endowment at Castlebar was made by the late Lord Lucan; he gave a house for the clergyman in Castlebar, and in Tuam it has been a lease of a small park, a bishop's lease renewable, and the person who had this lease assigned it over to the clergyman, and the inhabitants of the town made amongst themselves a collection of a sum of money, by which they built a slated house for the accommodation of the clergyman of the town.

How is the trust under which that is held accomplished, or to whom has it been conveyed?—In Tuam it has been conveyed to me.

To you and to your successors, or to you individually?—To me; and I make a declaration that I hold it for the purpose that I now mention.

Do you think, that if there was a power under the law of endowing parishes, or the holders of parishes of the Catholic persuasion, with houses or with land whereon houses could be built, that endowment would be carried to any extent, for instance, in your own arch-diocese?—I think it would, to a greater extent than it is at present.

Do you know of other instances in Ireland, besides those two you have mentioned in the arch-diocese of Tuam?—I know there are many other instances throughout Ireland; I could not exactly refer to them at this moment.

In any instances which have come within your knowledge, have you also known of cases of dispossession of persons holding under such titles?—Not as to a glebe, but I have as to a chapel.

Will you state the instance which has come to your knowledge as to a chapel?—It has occurred in the parish of Ballynakill, in the arch-diocese of Tuam. There was a Mr. O'Flaherty held the lease of a farm, and he built a slated chapel for the accommodation of his family, and for the tenantry and people around him. The landlord found in the course of time that there was some formal defect in his lease, and he broke or threatened to break it. He and the landlord came to some agreement, but Mr. O'Flaherty gave up the lease under a verbal understanding with the landlord that the chapel was not to be molested; but after getting possession of the property the landlord thought proper to lock up the chapel doors, and not allow the faithful to resort to it as a place of worship; he converted it into an office or farm-house.

That was in Connamara, was not it?—Yes.

Did he not build another chapel for the people?—Never.

In other parts of Ireland, have you heard of cases where the possession of lands, granted either for places of worship, or for the residence of Catholic ministers, has been disputed by the proprietor, after possession has been had, and the buildings erected?—I could not exactly state any particular case.

You have given to the Committee information as to the state of the chapels and places of worship in your diocese; will you inform them what accommodation is afforded for schools, and places of education?—We have built large and commodious school-houses for the education of the poor in the towns of Tuam and Westport, and of Castlebar; there are schools throughout the diocese at large, established by the exertions of the clergy, and the contributions of the faithful, where the poor in each parish receive gratuitous instruction; and in one country parish in the arch-diocese, where there is no resident gentlemen whatever, the Catholic clergyman has succeeded in establishing sixteen schools, for the gratuitous education of the poor of

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the parish; he has received some aid latterly from some public fund, in money, stationery, and school requisites.

Are the chapels used as school-houses generally, or have you other buildings applicable for that purpose?—All the chapels in my diocese are used as Sunday-schools, and a great many of the country chapels are used as daily schools.

By Sunday-schools you mean schools where the children are catechized by the minister?—Schools for religious instruction before and after mass.

In the country parishes where the chapels are used for daily schools, do you apply them to that use, on account of any particular circumstances that make it desirable to use them for that purpose, or for want of other buildings to receive the children?—Necessity compels us to use them; we should have great reluctance to convert the house of God into a school if we could avoid it; but the want of having any other place for giving instruction to the poor obliges us to avail ourselves of the chapels as school-houses.

Are there any congregations in your diocese without any place of worship?—I do not know any parishes without some small place. From the inadequacy of the places of worship, on performing parochial visitations, I have been almost in fact obliged to administer confirmation out in the open air, as in the extensive parishes there are sometimes two or more congregations.

Are the parishes very large?—Not very large, generally.

Do the peasantry of the country express their feelings upon this subject, having no places of worship?—They do regret it extremely, not having places of worship; they feel it very much.

Are you aware that considerable sums of money have been granted for furnishing places of worship for the highlands of Scotland?—I have heard so.

What would be the average expense of building a chapel to contain from one thousand to fifteen hundred people in that part of the country?—I should think from six to eight hundred pounds perhaps.

Is there a disposition amongst the people to attend their places of worship regularly on Sundays?—Yes, I find a very great disposition on their part to attend on Sundays.

Is there a disposition generally to attend to their religious duties?—I think there is a very strong disposition; there are exceptions to it, but generally speaking I think there is that disposition.

In their communication with each other, do they observe strictly the common and proper moral duties?—Their moral conduct in general is tolerably good.

Are they kind in their conduct towards each other?—They are generally.

Is there a readiness on their part to take advantage of the instruction that is afforded them at the schools?—A very great readiness; a great desire of receiving instruction in our schools.

Is there a general disposition on the part of the people to come to confession?—There is.

Does that disposition to come to confession vary according to the state of tranquillity, or of disturbance which prevails in the country?—That has a very great influence upon that disposition.

Does the inclination to come to confession either increase or diminish when the country is in a state of disturbance?—It diminishes considerably, manifestly.

Are the individuals who in those cases cease to come to confession, individuals who are connected or concerned in disturbances in the country?—Invariably I have found it so.

You recollect the year 1820?—Yes.

The immediate neighbourhood in which you reside, and a great part of the archdiocese of Tuam, was at that time considerably disturbed?—Yes.

Did you find that the indisposition you allude to existed extensively at that period?—At that period I recollect it in a particular manner; we could not persuade them generally to comply with their religious duties.

Can you state any particular instances with respect to any particular part of the country where that happened?—In a parish in the immediate vicinity of Tuam, and in all the parishes where the disturbances prevailed, I found an indisposition on the part of the people to attend their religious duties, and even their attendance at prayers on Sunday was by no means so regular as it was previously and subsequently thereto.

Did you find generally, at that period, that the influence of the Catholic clergy over their flocks was much impaired?—I experienced myself that it was very much

much impaired, and that those, who on all former occasions paid very great attention to my advice, disregarded it upon that occasion.

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Was there not in the demeanor of the people, and in their deportment towards the Catholic clergy, a great alteration at that time from the habit of respect and deference which they usually paid to their pastors?—Manifestly so. I had to go to several chapels on that occasion to address the people, and I have known instances where, after I had retired, some of those refractory persons assembled the people; and endeavoured to persuade them not to pay any attention to the advice I had given them, saying, what I had said was very good, but what relief did I give them, that their distresses and their poverty were not relieved.

Have any instances come within your knowledge of personal indignity or disrespect offered to members of the Catholic priesthood at that time, or of injuries to their property?—Not in my neighbourhood at that time.

Within your diocese were there not?—No personal insult.

Or injuries to property?—Not on that occasion. On former disturbances I have known injury to be done to the property of Roman Catholic clergymen; I have known their corn to be set fire to.

Was that a very remote time?—I should think it was in the year 1807 or 1808.

You have stated that at that period the people complained of the price of land and the weight of taxes, did they not complain also of the exaction, as it was called, with respect to both religions which they complained of having to support?—They complained of the priest, the parson, and the tithe proctor.

When they complained of the priest, will you have the goodness to state what the particular circumstances of pressure upon the population were which they attributed to the priest?—They considered that oppressed as they were they could not afford to be giving the priest 2s. 6d. for baptisms, a guinea for a marriage, money for building a chapel, money for establishing a school; that, in short, the demands of the priest upon them were so many, that they could not answer them, and that it would be better not to attend to those things.

Part of the obligation which they imposed was not to make those payments to the priests?—It was; they bound them by an oath not to make those payments to the priests; in other instances, they bound them by an oath not to go to confession.

Were the sums you have mentioned the fees at that time payable to the priests for the performance of those duties?—Yes.

Are the same sums still payable?—The same.

Have they been at that rate ever since you presided over the arch-diocese of Tuam?—At that rate exactly; there has been no augmentation whatever.

Within your diocese is not the pressure of tithes payable to Protestant ministers particularly severe?—It is complained of generally.

Is it particularly severe as pressing upon the occupying tenant?—It is particularly severe upon the occupying tenant.

The tithe of potatoe is not payable in your arch-diocese?—No, it is not.

Will you state what is the tithe, the payment of which presses particularly upon the tenant in the province of Connaught?—Grain of every kind, flax, and I think wool, lambs, &c.

Is he not much better off than the peasant in the province of Munster?—I suppose he is; but yet the tithe on corn they find very severe, particularly in a bad season; when the crop fails, they feel a great hardship. I have heard them say in some instances that the tithe proctor's demand for tithe was to the full value of the crop.

The tithe of hay is not payable in the province of Connaught?—No, it is not; it has been demanded latterly by some.

In the year 1820 very serious disturbances took place in the counties of Mayo and Galway?—In part of the counties of Mayo and Galway.

Does it come within your knowledge that the cause of those disturbances was attributable in any degree to the pressure of tithes?—They generally complained of tithes, taxes, grand jury cesses, vestry cesses, the payment of the Catholic clergy, the high price of land: all those things together.

Were their complaints louder against the pressure of tithes than against the pressure of any other charges?—No; they complained equally of high rents, grand jury cesses, and church rates.

Those disturbances were the origin of what are usually called the White Boy disturbances?—They were called Ribbonmen.

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Then the efforts of those Ribbonmen were not directed specially against tithes?—Not by any means; they were directed more against landlords.

You are aware that petitions were sent to Parliament complaining of the state of the law with regard to endowments of chapels and other charitable Catholic institutions; did you sign any of those petitions?—I do not at this moment recollect that I did.

Has not there been a decree of the court of Chancery that has contributed to settle the law recently?—I do not know that there has been a decree; there was some declaration made; I have heard some person state that did not amount to a decree.

In point of fact, have the Catholics such a confidence in the state of the law as to induce them to bequeath property for the purpose of endowing chapels or school-houses?—No, they have not.

When you stated just now the causes which led to the insurrection in 1820, amongst the complaints of the people which marked that insurrection, you stated the payment of dues to their own clergy; can you then have any doubt that the remission of those fees, and the payment of dues of that nature, if provided for by any arrangement made by the State, would be extremely acceptable to the people themselves?—However much the people may have complained, I think they would prefer, notwithstanding, to support their own clergy, to seeing them paid by the State.

You mentioned to the Committee what the amount of the fees paid in your archdiocese was; have you reason to believe that the amount of them is the same in other dioceses in Ireland, or is it greater or less?—That is the general practice throughout the province of Connaught.

Is that practice regulated by agreement among your suffragans, or by any mandate or arrangement of yours?—By agreement amongst ourselves.

Are you aware whether the amount is the same in the province of Munster?—No; I believe there is some difference.

Have you not heard that it is greater in the province of Munster?—I believe it is greater; I am not acquainted with the province of Munster.

You mentioned to the Committee on the subject of early and improvident marriages, that in some instances the rite of marriage had been celebrated by a Protestant minister in consequence of the disinclination of the Catholic clergyman to perform the ceremony?—Yes.

In such cases does the Protestant minister receive a fee for the performance of that duty from Catholics?—They receive none from the poor I have heard of.

Is the Catholic clergyman accustomed to marry the lowest order of the poor without demanding any fee?—Yes; often receiving no emolument whatsoever.

Besides the fee paid by the individuals who are united, is there not another source of benefit to the Catholic clergyman from contributions made at marriages?—Not in the province of Connaught at present.

Are they not accustomed to make collections?—No, not at present, that I am aware of, in Connaught.

Has the disuse of that custom taken place since your presidency over that see, or has it never been the custom?—It has got into disuse within my time.

But it is still continued in other parts of Ireland?—I hear so.

Have you not heard that it is a considerable source of the revenue of the Catholic clergyman in some part of the south?—I understand it is.

Are there any other occasions on which collections or contributions are made by those who assist at ceremonies performed by the Catholic clergy?—None whatever; the only collections that we make are for the erection and repair of chapels and the establishment of schools.

Have you not at marriages what is called a cake?—No.

You stated that the only mode of enforcing the assessment that was levied for the repair of chapels was by threatening to withhold the rites of the church, and that the rite which was threatened to be withheld was that of churching women; is that the only rite that is threatened to be withheld with a view of enforcing the payment of those assessments?—That is the only rite they are allowed to withhold.

That of course operates only upon persons who have wives, and who have wives that have children; have they any mode of enforcing the payment against other persons?—None whatever, but remonstrating publicly with them before the congregation that they have not paid their proportion the same as their neighbours have done.

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What is the nature of that public remonstrance?—Before the congregation they state that such and such persons have paid the assessment that has been laid on them by their neighbours towards the repair of the house of God, and that such and such other persons withheld their contributions; and the clergyman exhorts them not to withhold any longer.

What is the effect of that remonstrance upon the persons against whom it is directed?—It generally has a very good effect; they generally contribute to the utmost of their power.

What would be the effect upon them if they did not contribute?—They would bear it patiently.

Does it imply any exclusion?—No censure, no excommunication, no ecclesiastical punishment whatever is inflicted or apprehended.

On the confession, would not the nonpayment of those assessments interfere with the absolution of the penitent?—Never.

Does not a remonstrance of this nature expose the individual to some temporal inconveniences?—It may be hurtful to his feelings.

Does not it excite against him the prejudice of his neighbours?—I am not aware that it does; they may disapprove of his conduct.

Do you know any instances in which it has so operated?—No, not to his injury.

Does this mode of levying this particular assessment generally prove sufficient for its enforcement?—It often fails.

Is it applied to any other assessment excepting that for chapels?—For chapels and schools.

And those only?—Those only.

Has it not been applied occasionally to the levy of what is called Catholic Rent?—Not to my knowledge, never in any one instance.

Have you never heard that a clergyman did withhold or threaten to withhold the performance of a religious rite, or remonstrate publicly with an individual, on that account?—Certainly not in my part of the country; they never made any observation upon any individual for the nonpayment of that contribution; in fact, I do not suppose there was any great opportunity, for I never knew any money that was paid with such alacrity as that was.

In your diocese no instance of that kind occurred?—I never heard of one.

Are the assessments for the repair of chapels laid on by the people themselves?—By the people themselves, by the heads of villages; the clergyman is recommended to form them into a committee, who assess the parish, and the clergyman is the principal collector of this assessment; he pays it into the hands of a treasurer appointed by themselves, and the money is expended afterwards.

Can you describe to the Committee the manner in which church and parochial rates are levied within the parishes with which you are acquainted in the arch diocese of Tuam?—The collection of the church rates rests with the churchwardens; they employ a clerk, and this clerk sends out his man amongst the people, and he collects this church rate from them.

The churchwarden is empowered by the vestry?—By the vestry.

Are you able to inform the Committee how the vestry is assembled and constituted?—I have never attended at a vestry, but I have heard it mentioned that the parishioners assemble there, Catholic and Protestant, and that the vestry cess for the year is announced and discussed; the Catholics are allowed to offer their opinion on the matter, but if a difference of opinion should arise, I understand that latterly the Catholics have been excluded, as not having a legal right to vote in vestries on the occasions for which they are usually assembled.

Not having votes in church matters?—Not having votes in the vestries on those occasions.

Do you mean that they are allowed to attend and give opinions, but not to give their votes?—Yes.

Do you mean that they have no votes on any occasion in vestries, or that being assembled in vestry, they are excluded from voting in matters relative to the repair of churches?—In matters relative to the repair of churches. Among others, they are allowed to be present at the discussion, and where they come to vote an assessment for the repair of the church they are excluded, I have heard them say so.

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Do you mean that they have a vote in all proceedings of vestries except as to the amount of assessment?—No, I have not known them to vote at all.

Is not the exclusion of Catholics from voting at vestries in the parish at Tuam, for example, a matter of late origin, and a few years ago were not they allowed to vote?—It is a matter of late origin, they were always in the habit before of taking a share in it.

Residing in the parish of Tuam, you can inform the Committee whether the amount of rate has been greatly augmented since the period when they have ceased so to vote at vestries?—Yes, I have heard them say that it has increased considerably.

Do you know whether their attendance at vestries is a matter of right, or a matter of courtesy?—A matter of courtesy, on those occasions, I understand.

Do you know any instances in which at the parochial vestries sums have been voted for the repair of Roman Catholic chapels in your district?—I have heard of one instance.

And levied on the parish?—Levied on the parish.

Or for the support of Roman Catholic schools?—I have never known any thing to be done in vestry for Catholic schools; I have heard of one vote of a vestry for the repair of a chapel.

Where was that?—At Athenry.

Although a vote has not been specifically made for the repair of chapels, are not you aware that sometimes, under a vote for contingencies, there is a sum included for the repair of Roman Catholic chapels?—I never knew an instance in the arch-diocese of Tuam, except the one I have mentioned.

Do you know of any considerable sum having been assessed in the parish of Tuam for the repair of the cathedral church?—Yes, I have heard of that.

Do you know what amount?—£1,500 I understood.

Are you aware what the assessment made in the parish of Athenry was which you have alluded to?—Ten pounds I understood.

Annually?—No, only on one occasion.

Was this vote in the parish of Athenry in support of a Roman Catholic chapel made while the Catholics were in participation of the right of voting at vestries?—I never knew them to have the right of voting; they were lately excluded from attaching any weight to their opinions.

In the course of the last year there prevailed in Ireland generally a strong opinion on the subject of certain prophecies known by the name of Pastorini's prophecies, were they much circulated within the arch-diocese of Tuam?—I have made the most diligent search in my power, and in my life I never met more than two copies of Pastorini's prophecies; they certainly were not in general circulation throughout the arch-diocese of Tuam, for I used the utmost diligence, and got my clergy to unite in making the most strict search, and we could not make out a third copy of Pastorini's Prophecies.

Can you inform the Committee what the impression was generally with respect to those prophecies upon the minds of the lower orders of the population?—I do not think the prophecies of Pastorini were much read or understood in my part of the country at all.

Have you heard that in other parts of Ireland they were extensively circulated?—Yes, I have.

Did you hear whether they had much effect upon the people in those other parts of the kingdom?—I think that they made an impression upon some individuals.

Or that there was considerable expectation and excitement in the popular mind caused by them?—Not that I could ever discover.

Did not some members of the Catholic prelacy publish addresses to the people to dissuade them from believing in those prophecies, and to deny any authority being attached to them by the church?—They did.

May the Committee not assume then, when such letters came forth from them, that the circulation of the prophecies must have been general, at least in those dioceses where such addresses were published?—I cannot speak as to other dioceses.

Did not the clergy in your diocese also inculcate upon the people that the church attached no authority to those publications?—They did; and for the last year in particular, in consequence of the importance that was attached to those prophecies

prophecies by some persons, the clergy throughout the diocese had instructions to announce to the peasantry not to read the prophecies of Pastorini, should they come in their way, or any other prophecies whatsoever; nor any books having a tendency to inflame their minds; and, in short, to submit all books to their pastors for inspection.

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At what time was this?—Throughout the entire of the last year.

Are there generally amongst the people circulated prophecies of a general nature, which lead them to the expectation of the accomplishment of particular events, or of great changes arising in their situation, or in that of the country; is such the habit or the custom in your part of the country?—I believe there are impostors who go about and undertake to circulate and explain prophecies; but I never could learn that they were successful in their imposition, or that they had made any material impression.

Or that much credit is attached to them?—Or that much credit is attached to them.

Is the belief general in Ireland, in the cases which have been stated, of the miraculous cures that have taken place, and have been supposed to take place in consequence of the interposition of particular prayers or services of the church?—There is a general belief that God listens to the prayers of pious men, and that through their intercession the infirm are sometimes restored to health.

And that such was the case in the instances which have been published?—And that such has been the case in some late instances. The Catholic doctrine, with respect to miracles, is, that God has at all times the power of performing miracles, and that he does sometimes perform those miracles through the intervention of pious persons.

Are those miracles regarded by the Roman Catholic church, as evidence of the superiority of that church to others?—The Catholic church does consider that the power of working miracles is a strong evidence of the truth of the faith of the church.

Is the opinion inculcated or believed, that it is a proof of the exclusive truth of that church?—The Catholics believe their church to be the true church, and consider that miracles furnish one of its proofs.

Do they consider, in the Roman Catholic church, the performance of those miracles to be evidence of the superiority of that church to all others?—They do consider those miracles as one of the proofs of the truth of the faith of their church.

Are there a great number of Catholics who do not believe in the truth of those miracles?—No Catholic is bound to believe in the existence of those miracles to which allusion is made.

Are you aware of the fact that there are a great number of Catholics who do not believe in those miracles?—I am; they do not cease to be Catholics on that account.

Do Catholics conceive any particular privilege to be obtained by their own church in consequence of those miracles?—They conceive the power of working miracles to exist, but in what particular instance that power is exercised they are not called upon to decide.

That is a matter of private judgment?—That is a matter of private judgment, as to the recent miracles.

And formed upon their own view, on examination of the evidence on which each rests?—Exactly.

How can a miracle, which parties are at liberty to believe or disbelieve, afford any evidence of the truth of the church in which it is worked?—The evidence afforded of the truth of the faith that is in our church, is deduced from the miracles formally recognized in the universal church; but as to the particular question, whether this power has been recently exercised, that is a matter of private judgment which does not affect the faith of an individual.

Does the Roman Catholic church consider that miracles can be worked by other churches?—The Roman Catholic church believes that God can work a miracle through the instrumentality of any agent he may please to select.

Do they believe that a miracle so worked is evidence of the truth of that religion through the instrumentality of which it is worked?—Miracles form a part of the evidences of the true church.

In point of fact, are the Committee to understand that all miracles subsequent to those recorded in the New Testament are matters on which a good Catholic may exercise

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exercise his private judgment as to any particular miracle?—Certainly. But every good Catholic believes that miracles have been wrought in the church subsequent to those recorded in the New Testament, and may still continue to be wrought.

Subsequent to those recorded in the Evangelical books?—Yes.

Yesterday you stated, in your examination, that in the prayers which were addressed to the Virgin Mary, Catholics addressed her, not as a Divinity, but as an intercessor?—Yes.

The Committee see in a book, which contains prayers addressed by Roman Catholics to the Deity, the following prayer: “Tu qui es Mater Dei miserecordissima” “humilis omnibus penitentibus inclinans potestissima; quia per te ruinæ angelicæ” “reparantur, per te sanctis vitæ janua aperitur, quæ regem gloriæ tuis sacris uberibus” “lacrasii et nuturisti et totis visceribus dilexisti, te deprecor ut mea inopia sublevetur,” “ut per te purgationem peccatorum obtineam:” does not that prayer infer something more than a prayer of intercession?—Not in the least, it is through her intercession; the words are, “ut per te purgationem peccatorum obtineam.”

It is the use of the word *per* that constitutes it a prayer of intercession?—Yes, it is through her intercession only that all those favours are sought to be obtained by this prayer.

You stated in your examination yesterday, that Catholics in addressing the cross, do not consider the cross as more than either a picture or a piece of wood?—Nothing more.

The Committee see in the same book of prayers the following prayer addressed to the cross: “Crux Christi semper sit meum; Crux Christi est quam semper adoro;” “Crux Christi est vera salus; Crux Christi superat gladium; Crux Christi solvit” “vincula mortis; Crux Christi est arma invincibilis; Crux Christi est via veritas et” “vita; Crux Christi impedit omne malum; Crux Christi dat omne bonum; Crux” “Christi affert vitam eternam; Crux Christi salvet me; Crux Christi sit super me;” “Crux Christi sit ante me; Crux Christi sit post me, quia antiquus hostis semper” “fugit ubi te vidit.” The Committee wish to ask, whether those prayers can be addressed to the cross merely as matter, or as a piece of wood, or whether they do not contain more?—Nothing more than this; that we consider that it was on the cross Jesus Christ purchased redemption and salvation for us; the words *Crux Christi adoro te*, have not reference to the material of the cross, but that adoration has reference to Him who died upon the cross.

Then the cross is not separated from Jesus Christ in any prayer which Catholics address either to Christ upon the cross, or to the cross itself?—When we address the cross in these words, our adoration is directed to Him who died upon it.

Is the cross used in that sense figuratively?—Figuratively; of course, in the sense I have mentioned.

And in no other sense than that in which a Protestant would understand the word when he may be told to bear the cross of Christ?—[*A book was handed to the witness.*]—Is that a Catholic prayer-book in common use in Ireland?—It is an approved Catholic prayer-book in common use in Ireland.

In page 204, in paragraph 11, there is the following passage; “Catholics renounce” “all divine worship and adoration of images or pictures; God alone we worship” “and adore, nevertheless we place pictures to reduce our wandering thoughts, and” “excite our memory towards heavenly things; further, we allow a certain honour” “to be shown to the images of Christ and his saints beyond what is due to profane” “images and figures; not that we believe any divinity or virtue to reside in them,” “for which they ought to be honoured, but because the honour given to pictures as” “regard to the prototype or thing represented:” Is that the doctrine taught by the Roman Catholic clergy to the people of Ireland?—Precisely.

THIRTEENTH DAY.

Veneris, 25^o die Martii 1825.

LORD VISCOUNT PALMERSTON

IN THE CHAIR.

The Right Reverend *James Magaurin*, D. D. Titular Bishop of the Diocese of Ardagh, called in, and examined.

ARE you acquainted with the transaction that took place in the year 1788, respecting a communication with foreign Universities, on the subject of matters relating to the authority of the Pope?—Yes; I have some recollection of it.

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Mr. Pitt, in that year, called upon the Committee of the English Roman Catholics to send some queries to those Universities?—Yes, it is on my recollection, that it was a good deal talked of in the Irish College of Salamanca, in the year 89, on my arrival there.

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These are the questions; first, “Has the Pope or cardinals, or any body of men, or any individual of the Church of Rome, any civil authority, power, jurisdiction or pre-eminence whatsoever, within the realm of England? secondly, Can the Pope, cardinals, or any body of men, or any individual of the Church of Rome, absolve or dispense with His Majesty’s subjects from their oath of allegiance, upon any pretext whatsoever? thirdly, Is there any principle in the tenets of the Catholic Faith, by which Catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transaction either of a public or a private nature.” Where are the answers to those questions to be read?—I believe the Universities of Salamanca, Alcala, and Valladolid, in Spain, have been consulted, and I believe also the Universities of Paris, Louvain, and Douay, and those universities have given their answers, and I believe their answers are all the same in substance.

Are not they contained at length in Mr. Butler’s Memoirs?—Yes; I believe so.

Are those answers acknowledged to contain a doctrine that is admitted to be correct by the Catholic bishops of Ireland?—No doubt of it; and by the Catholic laity; I believe they form the substance of the oath of allegiance which is taken by the clergy and laity; I believe the oath of allegiance has been framed on the foundation of those decisions.

Was not an Abstract of those answers published, with the address of the Catholic Committee of 1793?—Yes; I think so.

Have you read them?—I have; and I subscribe to them, with all my heart and soul.

Is that before you, an Abstract of the answers that were returned, (*the same being shewn to the witness*)?—It is.

[*The same was delivered in and read.*]

“Abstract from the Answer of the Sacred Faculty of Divinity of Paris, to the above Queries.

“After an introduction, according to the usual forms of the University, they answer the first query, by declaring, Neither the Pope nor the cardinals, nor any body of men, nor any other person of the Church of Rome, hath any civil authority, civil power, civil jurisdiction, or civil pre-eminence whatsoever, in any kingdom, and consequently none in the kingdom of England, by reason or virtue of any authority, power, jurisdiction, or pre-eminence, by Divine institution, inherent in, or granted, or by any other means, belonging to the Pope, or the Church of Rome. This doctrine, the Sacred Faculty of Divinity at Paris, has always held, and upon every occasion maintained; and upon every occasion has rigidly proscribed the contrary doctrine from her schools.

“Answer to the second Query. Neither the Pope nor the cardinals, nor any body of men, nor any person of the Church of Rome, can by virtue of the keys, absolve or release the subjects of the King of England from their oath of allegiance.

“This and the first query are so intimately connected, that the answer of the first immediately and naturally applies to the second, &c.

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“ Answer to the third query. There is no tenet in the Catholic Church, by which Catholics are justified by not keeping faith with heretics, or those who differ from them in matters of religion; the tenet, that it is lawful to break faith with heretics, is so repugnant to common honesty, and the opinions of Catholics, that there is nothing of which those who have defended the Catholic faith against Protestants, have complained more heavily, than the malice and calumny of their adversaries, in imputing this tenet to them, &c. &c. &c.

“ Given at Paris, in the General Assembly of the Sorbonne, held on Thursday the 11th day before the calends of March 1789.

“ Signed in due form.”

“ University of Louvain.

“ The Faculty of Divinity at Louvain, having been requested to give her opinion upon the questions above stated, does it with readiness; but struck with astonishment that such questions should, at the end of this eighteenth century, be proposed to any learned body, by inhabitants of a kingdom that glories in the talents and discernment of its natives—The Faculty being assembled for the above purpose, it is agreed, with the unanimous assent of all voices, to answer the first and second queries absolutely in the negative.

“ The Faculty does not think it incumbent upon her, in this place, to enter upon the proofs of her opinion, or to show how it is supported by passages in the Holy Scriptures, or the writings of antiquity; that has already been done by Bossuet, De Marca, the two Barclays, Goldastres, the Pithæuses, Argentre Widrington, and his Majesty King James the First, in his Dissertation against Bellarmine and Du Perron; and by many others, &c. &c. &c.

“ The Faculty then proceeds to declare, that the sovereign power of the State is in nowise (not even indirectly as it is termed) subject to or dependent upon any other power, though it be a spiritual power, or even though it be instituted for eternal salvation, &c. &c.

“ That no man, nor any assembly of men, however eminent in dignity and power, nor even the whole body of the Catholic church, though assembled in general council, can upon any ground or pretence whatsoever, weaken the bond of union between the sovereign and the people; still less can they absolve or free the subjects from their oath of allegiance.

“ Proceeding to the third question, the said Faculty of Divinity (in perfect wonder that such a question should be proposed to her) most positively and unequivocally answers, That there is not, and there never has been among the Catholics, or in the doctrines of the church of Rome, any law or principle which makes it lawful for Catholics to break their faith with heretics, or others of a different persuasion from themselves in matters of religion, either in public or private concerns. The Faculty declares the doctrine of the Catholics to be, that the divine and natural law which makes it a duty to keep faith and promises, is the same, and is neither shaken nor diminished, if those with whom the engagement is made, hold erroneous opinions in matters of religion, &c. &c.

“ Signed in due form, on the 18th of November 1788.”

“ University of Valladolid.

“ To the first question it was answered, That neither Pope, cardinals, or even a general church, have any civil authority, power, jurisdiction or pre-eminence, directly or indirectly, in the kingdom of Great Britain, or over any other kingdom or province in which they possess no temporal dominion.

“ To the second, it is answered, That neither Pope nor cardinals, nor even a general council, can absolve the subjects of Great Britain from their oaths of allegiance, or dispense with their obligation.

“ To the third, it is answered, That the obligation of keeping faith, is grounded on the law of nature, which binds all men equally, without respect to their religious opinions; and with regard to Catholics, is still more cogent, as it is confirmed by the principles of their religion.

“ Signed in the usual form, February 17th, 1789.”

Do not the oaths that are required to be taken by Catholics, by the Act of 1773, and the Act of 1793, contain a denial of those charges that are so frequently made against Roman Catholics, with respect to not keeping faith with heretics, and with respect to the supposed temporal authority of the Pope?—Yes; I think those oaths contain that.

[A Copy

[*A Copy of the Oath required by the Act of the 13th and 14th of George 3d, was delivered in; and read, as follows:*]

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“ I, *A. B.* do take Almighty God, and his only son Jesus Christ, my Redeemer, to witness, That I will be faithful, and bear true allegiance to our most gracious Sovereign Lord King George the Third, and him will defend, to the utmost of my power, from all conspiracies and attempts whatever, that shall be made against his person, crown, and dignity; and I will do my utmost endeavour, to disclose and make known to His Majesty, and his heirs, all treasons and traitorous conspiracies which may be formed against him or them. And I do faithfully promise to maintain, support and defend, to the utmost of my power, the succession of the Crown in His Majesty's family, against any person or persons whatsoever, hereby utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the style and title of Prince of Wales, in the lifetime of his father, and who since his death, is said to have assumed the style and title of King of Great Britain and Ireland, by the name of Charles the Third; and to any other person, claiming or pretending a right to the crown of these realms; and I do swear, that I do reject and detest, as unchristian and impious, to believe that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics; and also, that unchristian and impious principle, that no faith is to be kept with heretics. I further declare, that it is no article of my faith, and that I do renounce, reject and abjure the opinion, that princes excommunicated by the Pope and council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed and murdered by their subjects, or by any person whatsoever; and I do promise, that I will not hold, maintain, or abet any such opinion, or any other opinion contrary to what is expressed in this declaration; and I do declare, that I do not believe that the Pope of Rome, or any other foreign prince, prelate, state or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm; and I do solemnly, in the presence of God, and his only Son Jesus Christ my Redeemer, profess, testify and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever, and without any dispensation already granted by the Pope, or any authority of the See of Rome, or any person whatever, and without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any other persons or authority whatsoever shall dispense with, or annul the same, or declare that it was null and void from the beginning. So help me God.”

[*A Copy of the Oath required by the Act of the 33d George 3d, chapter 21, was delivered in, and read, as follows:*]

“ I, *A. B.* do hereby declare, That I do profess the Roman Catholic religion.

“ I, *A. B.* do swear, That I do abjure, condemn, and detest, as unchristian and impious, the principle, that it is lawful to murder, destroy, or anywise injure, any person whatsoever, for or under the pretence of being a heretic; and I do declare solemnly, before God, that I believe that no act, in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour, that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever. I also declare, that it is not an article of the Catholic faith, neither am I thereby required to believe or profess, that the Pope is infallible; or that I am bound to obey any order in its own nature immoral, though the Pope, or any ecclesiastical power, should issue or direct such order; but, on the contrary, I hold, that it would be sinful in me to pay any respect or obedience thereto. I further declare, that I do not believe that any sin whatsoever committed by me, can be forgiven at the mere will of any Pope, or of any priest, or of any persons whatsoever; but that sincere sorrow for past sins, a firm and sincere resolution to avoid future guilt, and to atone to God, are previous and indispensable requisites to establish a well-founded expectation of forgiveness; and that any person who receives absolution, without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating a sacrament: and I do swear, that I will defend, to the utmost of my power, the settlement and arrangement of property in
this

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this country, as established by the laws now in being. I do hereby disclaim, disavow, and solemnly abjure, any intention to subvert the present church establishment, for the purpose of substituting a Catholic establishment in its stead : and I do solemnly swear, that I will not exercise any privilege to which I am or may become entitled, to disturb and weaken the Protestant religion, and Protestant government, in this kingdom. So help me God."

Are you acquainted with the declaration that was published in Ireland by the Catholic committee in the year 1757, drawn up by a titular bishop, Dr. O'Keefe?—I have a recollection that I have seen it.

Was that a document universally acknowledged and subscribed to, at the time, by the Catholics?—There is not the smallest doubt entertained by any Catholic with regard to it.

That declaration was first published in the year 1757?—I think it was about that time; that declaration was sent to the See of Rome, and I believe it was renewed afterwards, when there was some appearance of a French invasion.

Was it not again put forth in the year 1792, at the time that petitions were presented to Parliament, for the concessions that were made at that time?—I think so.

[*A Copy of the Declaration was delivered in, and read, as follows :*]

"Whereas certain opinions and principles, inimical to good order and government, have been attributed to the Catholics, the existence of which we utterly deny; and whereas it is at this time peculiarly necessary to remove such imputations, and to give the most full and ample satisfaction to our Protestant brethren, that we hold no principle whatsoever, incompatible with our duty as men or as subjects, or repugnant to liberty, whether political, civil, or religious :

"Now we, the Catholics of Ireland, for the removal of all such imputations, and in deference to the opinions of many respectable bodies of men, and individuals, among our Protestant brethren, do hereby, in the face of our country, of all Europe, and before God, make this our deliberate and solemn declaration :

"1st. We abjure, disavow, and condemn the opinion, that princes excommunicated by the Pope and council, or by any ecclesiastical authority whatsoever, may therefore be deposed or murdered by their subjects, or any other persons. We hold such doctrine in detestation, as wicked and impious; and we declare, that we do not believe that either the Pope, with or without a general council, or any prelate or priest, or any ecclesiastical power whatsoever, can absolve the subjects of this kingdom, or any of them, from their allegiance to His Majesty King George the Third, who is, by authority of Parliament, the lawful King of this realm.

"2d. We abjure, condemn, and detest, as unchristian and impious, the principle, that it is lawful to murder, destroy, or anyways injure, any person whatsoever, for or under the pretence of being heretics; and we declare solemnly, before God, that we believe that no act, in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever.

"3d. We further declare, that we hold it as an unchristian and impious principle, that no faith is to be kept with heretics: this doctrine we detest and reprobate, not only as contrary to our religion, but as destructive of morality, of society, and even of common honesty; and it is our firm belief, that an oath made to any person not of the Catholic religion, is equally binding as if it were made to any Catholic whatsoever.

"4th. We have been charged with holding, as an article of our belief, that the Pope, with or without the authority of a general council, or that certain ecclesiastical powers, can acquit and absolve us before God from our oath of allegiance, or even from the just oaths and contracts entered into between man and man :

"Now we do utterly renounce, abjure and deny, that we hold or maintain any such belief, as being contrary to the peace and happiness of society, inconsistent with morality, and above all repugnant to the true spirit of the Catholic religion.

"5th. We do further declare, that we do not believe that the Pope of Rome, or any other prince, prelate, state or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm.

"6th. After what we have renounced, it is immaterial, in a political light, what may be our opinion or faith in other points respecting the Pope; however, for greater

greater satisfaction, we declare that it is not an article of the Catholic faith, neither are we thereby required to believe or profess, that the Pope is infallible, or that we are bound to obey any order in its own nature immoral, though the Pope or any other ecclesiastical power should issue or direct such order, but on the contrary we hold that it would be sinful in us to pay any respect or obedience thereto.

“ 7th. We further declare, that we do not believe that any sin whatsoever committed by us, can be forgiven at the mere will of any Pope, or of any priest, or of any person or persons whatsoever, but that sincere sorrow for past sins, a firm and sincere resolution, as far as may be in our power, to restore our neighbours property or character, if we have trespassed on, or unjustly injured either, a firm and sincere resolution to avoid future guilt, and to atone to God, are previous and indispensable requisites to establish a well-founded expectation of forgiveness; and that any person who receives absolution without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating the sacrament.

“ 8th. We do hereby solemnly disclaim, and for ever renounce all interest in, and title to all forfeited lands resulting from any rights, or supposed rights of our ancestors, or any claim, title, or interest therein; nor do we admit any title as a foundation of right, which is not established and acknowledged by the laws of the realm as they now stand; we desire further, that whenever the patriotism, liberty and justice of our countrymen shall restore to us a participation in the elective franchise, no Catholic shall be permitted to vote at any election for members to serve in Parliament, until he shall previously take an oath to defend, to the utmost of his power, the arrangement of property in this country, as established by the different acts of attainder and settlement.

“ 9th. It has been objected to us, that we wish to subvert the present church establishment, for the purpose of substituting a Catholic establishment in its stead: Now we do hereby disclaim, disavow and solemnly abjure any such intention; and further, if we shall be admitted into any share of the constitution, by our being restored to the right of elective franchise, we are ready in the most solemn manner, to declare that we will not exercise that privilege to disturb and weaken the Protestant religion, or Protestant government in this country.”

What counties are under your jurisdiction in your diocese?—There is a part of seven counties; it is principally Leitrim and Longford; but there is a part of the county of Roscommon, a small part of the county of Sligo and other counties.

In which of those counties do you reside?—I reside in the county of Longford.

In the discharge of your duties, and in the discharge of the duties of the inferior clergy who are under your direction, do you consider it right to co-operate with the magistrates of the country in endeavouring to maintain the tranquillity of the country, and to secure obedience to the laws?—Indeed I always wished to do so, and I have always been tolerably successful in having it so; I always believed it a matter of the utmost necessity; and whenever I have found in the diocese committed to my care, that there was not that kind of harmony between the magistrates and the Roman Catholic clergy, I think, in the same proportion, in general that neighbourhood was not tranquil.

In the discharge of that portion of your duty to which you have referred, have you met with the active and zealous co-operation of the magistrates of the country?—Indeed I have, in many instances. I have met with it in the county of Fermanagh, where I was first placed, and have met it in the county of Leitrim; and I met it in the county of Longford, and no part of the country I ever was placed in, was disturbed. I was fortunate in that respect, for it is scarcely possible to describe the effect it produces on the public mind, when they see men of both religions, in public situations, go hand in hand with each other.

Have you any doubt, from the communications that you have received from the magistrates of the county of Longford, and more particularly from Lord Forbes, that the magistracy of the county of Longford attribute the tranquillity of the county, in a very considerable degree, to the cordial co-operation which exists between the Justices of the peace and the Roman Catholic clergy?—I do believe it is a general feeling. I think I get more credit myself perhaps than I deserve, but it is a general feeling; much credit is due to Lord Forbes.

Is there, generally speaking, a cordial communication between the two sects, in the county of Longford?—There is no open hostility, but there is a something of a heat of mind or an irritation, but there is nothing of a violent nature.

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To what causes do you attribute this degree of irritation and distrust, that you have described to exist?—I think the party feelings of Orangemen and Ribbonmen, and the question of Catholic Emancipation, with the feelings of hope on one side, accompanied with some fear perhaps, and apprehension on the other side, altogether; there are two parties, and they are kept at that kind of distance, arising from a variety of causes, that I am not able to describe.

Having alluded to Catholic Emancipation, do you conceive that a strong feeling of anxiety upon that subject exists amongst the bulk of the peasantry?—I think very strong.

How do you consider that laws, which operate practically as an exclusion only of the higher orders, are considered by the lower orders as a grievance to them?—I know if they were asked what emancipation meant, they perhaps would not be able to define it; but they have a feeling that they are belonging to an excluded cast, and that they are not treated like the other subjects; that there is something wrong with them, and they are very anxious to be relieved from this kind of slavery, which they are not able to explain.

Do you consider that it produces any distrust of the law in its own nature, or of the administration of the law?—I think a great deal of the misfortunes of Ireland arise from the disrespect of the lower orders to the laws. They are of opinion, that the laws were not made for their protection; they know no parts of them, except the penal and the punishing parts.

Have they any recollection, either by tradition or otherwise, of the former state of the penal laws in Ireland?—I cannot exactly tell; except that I believe in their little meetings on winter nights, they have amongst themselves many traditionary stories regarding the sufferings of their ancestors.

In point of fact, do you know any spots in the different parts of Ireland with which you are acquainted, which are considered as peculiarly holy; where, during the time of the ancient persecutions for religion, masses were celebrated and priests took refuge?—I think I do, at least so far as I have heard those traditionary reports. They tell, that the priests withdrew to mountains and retired parts, and the people flocked after them; and there is a kind of veneration to those spots, to this day continued.

Can you name any of those particular spots?—I do believe I have known some of them. I do not know any particular place by name.

Having stated, that the existing disabilities produce some degree of distrust in the minds of Catholics towards the administration of the law, do you consider that those existing disabilities produce any and what effect, upon the disposition of Protestants towards their Catholic brethren?—I think they are in as great distrust, and in as great a state of fever in many instances, and perhaps others; for instance, in the beginning of the year 1825, I remonstrated with some on the folly of entertaining such a state of fearfulness and distrust.

On whose part was the fearfulness?—On the part of some Protestants in the neighbourhood; so much so, that one gentleman told myself, that he locked his doors at four o'clock, and did not permit any one to leave his house till the following morning.

At what time was this?—About Christmas last, commencing the year 1825.

Was that connected with any peculiar report?—I believe it was connected with unfounded reports; I have known gentlemen in my neighbourhood that absolutely quitted their houses, and came to reside in Dublin under that state of feeling.

Will you explain to the Committee what the circumstances were which excited this alarm, or what the immediate cause of apprehension was?—Certain idle mischievous reports, I believe, that are sent forth through the country, exciting the fears and alarms, both of the one party and the other; one report was, that all the Protestants were to be murdered on Christmas-eve; another, on the eve of New-year's day; those reports were circulated by a set of designing individuals, to keep alive this kind of alarm, this kind of fearfulness between parties; I believe it was done sometimes from design.

Were those fears excited by the circumstances of the circulation of the prophecies?—I think they were, in a great degree.

Were those fears felt by all the Protestant gentry, or were there exceptions?—They were not among all, I think; they were particularly among those who were in the habit of reading, exclusively, newspapers of a party spirit; the people that were in the habit of reading those newspapers, and no other; and having their minds

minds filled with them, and in the habit of receiving communications from a lower description of designing individuals; those were the persons that were most subject to such alarm.

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What description of persons do you allude to, when you state they received communications from a lower class of persons?—I mean some of the yeomanry of the country.

The Protestant yeomanry?—The Protestant yeomanry.

Are the yeomanry of Longford exclusively Protestant?—Indeed I think they are nearly so.

Are they supposed to be Orangemen?—They are supposed to be Orangemen.

Amongst the Protestants who do not participate in these alarms, were there many of the most active and influential magistrates of the county?—Some of them; and some of those that were under those apprehensions were good and kind men; but they permitted themselves, from timidity, to labour under those apprehensions.

Can you state, whether the precautions, which you have described to have been taken in other houses, were taken at Castle Forbes?—Indeed they were not; Lord Forbes would not have any hesitation or fear to leave his doors open; that was the case with others in the same county.

When you allude to newspapers which gave currency to those impressions of alarm, what papers do you allude to?—I mean the Mail and the Star, violent party papers.

Do not you allude to another paper, which contains food of an opposite description?—There are others, I believe, of an opposite description.

What papers are those?—There is the Morning Register, and other Papers.

The Dublin Evening Post?—I do not think the Dublin Evening Post is a violent paper.

Have those persons who left their homes, at the time it was given out that there would be a massacre of Protestants at a particular period, since that period returned to their respective homes?—There are some of them who, I think, have not returned; but not, perhaps, from any fearfulness of returning; but that they do not find it then convenient.

Then the alarm is allayed?—So far, yes.

Does that alarm arise from the same cause; namely, an apprehension of the murder of the Protestants?—No.

From what does it arise?—I believe from designing individuals scattered all over the country, to keep still alive this kind of party feeling between Protestants and Catholics.

By whom do you think they are scattered?—It is impossible to know; it is not easy to fasten the charge on any individual, but there are such individuals.

How do you think they are paid; what is your reason for thinking they are employed at all?—I have heard of such miscreants ranging through the country, exciting the Catholics against the Orangemen, and the Orangemen against the Catholics.

Have any people of that description been arrested?—Not that I have heard.

In no one instance has there been an arrest?—Not that I heard of.

Has there been any instance, in which there has been clear proof brought before you, of the same individual that appeared at one chapel having subsequently appeared at another chapel?—There was no proof.

Were you a member of the Catholic Association?—No.

Were the clergy of your diocese?—I do not believe there were many, not more than two or three.

Were the addresses, that proceeded from the Catholic Association, distributed in your diocese?—They were sent to my diocese.

Was not the rent collected in your diocese?—In some degree it was.

Do not you think, that the collection of that rent, and the distribution of addresses from the Roman Catholic Association, might partly account for the alarm that was felt by the Protestants?—I dare say it might.

Can you tell how many murders have been committed in the county of Roscommon within the last four or five years?—No, I do not know much of Roscommon.

Is Westmeath within your diocese?—Yes, a small part.

Do you recollect the murder of a man of the name of Connell?—Yes.

Do you recollect, that at the trial it appeared that the murder was committed by

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by eighteen individuals, six of those eighteen being selected from two or three different parishes?—I think it was.

Do not you think, the occurrence of a murder of that kind, committed in the dead of night by eighteen persons, six of them being deputed from each of three parishes, is sufficient to account for the existence of a considerable alarm on the part of the yeomen of the country?—No doubt that murder was premeditated in the manner mentioned, I believe; but report says, that there were nine executed, and not one of the nine was concerned in it.

Upon what grounds do you form that opinion?—It is the belief, and a general feeling of the neighbourhood.

Upon what grounds is that belief founded, that nine persons have been legally murdered?—There was a prosecution against them; I am not able to substantiate the fact; the feeling is, that the murder was not committed by the men who have been executed.

The men who were executed were the people who joined in planning the murder, but who did not arrive in time to execute it?—I can only say, the opinion is, that the murder was committed by one party before the other party had arrived.

Supposing they were indicted for a conspiracy to commit murder, is not that a capital offence in Ireland?—I believe so; the question put to me, what is the general impression? without being able to substantiate it, I give my opinion as to that impression.

Do you believe those who were executed, were engaged in a conspiracy to commit the murder?—I cannot give an opinion on that, because I heard no particulars regarding it.

Do you believe that the persons who were executed had no concern in planning the murder?—I do believe that they, either more or less, belonged to a party intending evil, though perhaps on the particular night that that murder was agreed on, they were not of that party.

Do you believe that they had had no concern whatever with the previous conspiracy, which led to the commission of that murder?—I cannot give an opinion as to that. I fear it is too general at assizes to adopt the principle, that it is necessary to punish some, to make an example, and on account of the state of irritation and alarm that is very justly in people's minds, that sometimes sufficient inquiry is not made, whether the person giving information should be believed on so important a case.

Will you mention the cases, independently of this case of Connell, in which you think, that from a desire to make an example, persons who were not concerned in the offences of which they were convicted, have been executed?—I will tell the Committee one case that came within my own knowledge. I live on the banks of the Royal Canal; the banks were cut maliciously at night; there was a reward offered by the Directors of the Canal, of 100*l.* for the discovery of the persons committing it; a common vagrant came forward and gave information before a magistrate, saying, that in order to avoid a decree of sessions against him, he got up at night, quitted his house, crossed the canal, and got behind a wall, and that he thence saw three men actually cutting the banks of the canal; those three men were arrested, were sent to Longford gaol, they were tried and were convicted; they were sent on board a tender, and evidence came before me so strong to convince me that they were not the guilty persons, that I interfered in their behalf; and the result was, that the three men were pardoned. I believed then, and I believe now, they were not the perpetrators.

Have you known any cases in which the parties have suffered the penalties of the law; the case you mention is one in which, upon your representation, a pardon was granted?—Not more than I have mentioned. Had I not interfered in this case, it would have been one of this lamentable description.

Do you recollect any case in which individuals have suffered the penalty of the law without being guilty of the offence?—I have not any, upon my recollection, more than I have stated.

Will you mention the names of those three individuals?—One of their names was Magee.

In what year was this?—I think about three or four years ago.

Would not you wish to alter that answer which you gave with respect to the case of Connell, from which it would appear that nine innocent persons were convicted of a murder?—I mentioned it, to shew that nothing tends to keep up the unfortunate disturbances in the country so much as things of that sort, because the brothers
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and relatives of those who suffer, feel so dissatisfied, that they lose no opportunity in afterwards seeking to be revenged of the prosecuting parties; and for which reason I more than once recommended in the county I live in, that there should be a strict investigation with regard to the character of prosecutors, and particularly of those who expect a promised reward; and I recommended, that there should be some collateral testimony, before persons were convicted on any one such evidence.

If persons are concerned in a conspiracy to commit murder, even if they should not take a part in the actual commission of the murder, do not you think those persons are properly executed, in case their participation in the conspiracy is fully proved?—I think they are.

Then supposing the nine persons, who you think were engaged in a conspiracy to commit murder, were indicted for the conspiracy, were convicted, and were executed, do you find any fault with the sentence of the law in that case?—I only find fault, because I was led to believe they were convicted for a crime they did not commit.

Are you sure of that?—That is the report; I only mention it, not by way of casting any kind of blame, but to show that feelings of this nature are among the causes of the disturbances which prevail.

What you have been stating is the general opinion of the neighbourhood?—Yes.

Does the neighbourhood believe, that the persons that were executed were concerned in the conspiracy to commit murder?—I do not know, I am not sufficiently in the neighbourhood to know their minds in that respect.

You say, that the neighbourhood are aware, in case of the commission of murder, or any other offence, who the parties are by whom that murder has been committed?—I think in general they are; it is known to a few, and thus it transpires from one to another.

Do you consider that this murder, which you have been describing, which took place in the year 1814, has been in any degree the cause of the alarm which existed peculiarly in the year 1824?—I do not know that it was.

Do not you think the frequent recurrence of murders is calculated to create alarm?—I do.

Has there been a frequent recurrence of murders?—I do not think there has.

Are not the parties who commit a murder generally known to the priest?—I do not think they are.

Supposing it were stated to him in confession, would the priest think it consistent with his duty to divulge any part of a communication which was made to him in confession?—I do not think he would.

Supposing he was made acquainted with an intention to commit murder, in the way of confession, would he think himself authorized to make any communication upon that subject?—He would exert himself to prevent the crime being committed; but any communication made to him in confession is inviolable, he cannot divulge it.

Supposing it related to a crime not actually perpetrated, but about to be perpetrated, in that case is the communication made inviolable?—If a crime is intended, and if it is made known to him in confession only, he cannot divulge it; he is to use his influence with the individual, so far as he can, to prevent the crime being committed; but what he hears in the way of confession is inviolable.

Would he be authorized to give notice to the party whose life might be in danger?—No, I do not think he would; we believe it is of divine institution, as such inviolable in its secrecy.

Might he not disclose so much of it as would prevent the perpetration of the crime, without committing the person who has made the confession?—He could not divulge any part of it; it is his duty to prevent, as far as he can, the crime.

In point of fact, are communications of an intention to commit offences like murder, ever made in confession?—I am not aware that they are.

So that the whole of your answers on this subject have been founded upon an hypothesis which you have never known to occur?—Confession is a declaration of crime; it is a declaration of sin committed.

What is the object of confession; that is, what does the penitent, in exchange for confession, on his part require to receive from the clergyman?—Absolution of his sins.

Is it possible for him to receive absolution from the priest, whilst he acknowledges an intention to commit any offence?—He cannot; it is impossible.

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Therefore, both according to your own experience, and according to the nature of the communication, it is utterly impossible that a communication can be made, expressive of an intention to commit a crime?—I cannot suppose a person, with an intention to commit a grievous crime, offer himself for confession.

Might not an individual, in confessing a criminal intention on his part, give to the clergyman to whom he comes for absolution, information of a crime intended to be committed by others; in that case, what would be the course taken?—I should imagine, if any communication of that kind was intended, it is given out of confession.

Supposing this case to occur, that one of the conspirators, in the case of Connell, had come to his priest and had said, I have been party to a conspiracy to commit murder; I heartily repent that I ever was seduced to become a member of this conspiracy; it still exists, but I disclaim all connection with it. Is that a case impossible to occur in confession?—It is not impossible; it is the duty of the priest, in that case, to exhort him to use all the influence he is capable of, in order to prevent the commission of that crime.

It would not be the duty of the priest to go to the party, and say, your life is in danger?—I think not; and I think crime will be prevented more effectually by the duty that is prescribed.

Suppose an individual thus exhorted by the priest, should return to him and say, I have failed in my endeavours, I have done all that I can to induce my fellow conspirators to desist from their wicked intention, but I have not succeeded?—He must then endeavour to get his permission to make use of such part of the information as may be necessary, and to use the most discreet and prudent means to prevent the commission of the crime.

Supposing, that being satisfied that the man had done all in his power to dissuade others from committing the offence, the priest was to grant absolution, what would be, in the eye of the Roman Catholic church, the effect of that absolution?—The opinion of the Roman Catholic church is, that though the words of absolution may be pronounced, that absolution is not ratified in Heaven, unless the individual has had the necessary conditions; unless he is sorry for having committed the crime he had committed, and unless he has a firm resolution to avoid that crime, and to avoid sin of every kind; if he has not had those conditions, although the priest pronounces the words of absolution, the belief of the Catholic church is, that that absolution is not obtained.

Then the priest never knows, in point of fact, whether the absolution he grants is complete or not?—Exactly; all he knows is from the conduct of the individual, and from the amendment that he manifests, and the tenor of his life altogether, morally speaking.

Is that the popular impression, with respect of absolution?—I think it is an impression that is inculcated from the altars; it is the doctrine that is publicly taught and proclaimed.

Is not that doctrine set forth in the Prayer books that are in common use amongst Catholics?—It is taught in our common catechism, that there is no absolution, there is no remission of sin, there is no release in that tribunal for crime, without sorrow of mind for committing the crime, and a decided resolution to avoid sin in particular, and in general.

Suppose the case which was put to you, of an individual who had engaged in a conspiracy to commit murder, being penitent, and confessing that intention, should you consider that that individual had made adequate atonement for the contemplated offence, if he abstained from giving that information to the person whose life was menaced, which would enable that person to avoid the danger?—Unless he take advice, and use the means in his power, in order to prevent the crime premeditated, he is unfit for absolution.

Unless he used all the means in his power, including notice to the individual threatened?—Yes.

And swearing an information before a magistrate, would the priest say to him, It is your duty to go to a magistrate, and lodge an information against the parties?—I do not know whether he would state that, because, from the state of the public mind in Ireland, a man's life might be endangered by doing so; but he must use every consistent means, in order to prevent the crime being committed.

Who is to be the judge of that discretion, as to what means he ought to use?—The individual himself; the priest may give his advice, as to the means that may be most efficacious and advisable.

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Do you or do you not consider, that a man who is engaged in a conspiracy to take away the life of another, is bound, at all risks to himself, to do what he may physically be able to do, to prevent the commission of the crime; or do you think that he would be justified in abstaining from saving the other, in order to avoid personal danger to himself?—I think he ought to save the life of the other, as far as he could; but I do believe, that self-preservation is the spring of all actions; and it is a doubt with me at present, if, for instance, he felt that he was to be murdered himself, whether he should do it; but I know this, that he is bound, so far as he can, to prevent the commission of the crime.

Would it be made a condition of absolution, that he should make every discovery in his power?—I think it would.

Is it expressed in the Catholic Prayer-book, as a condition to absolution, that there should be a ratification from Heaven?—I do not know that those words are used; but those words are used, that there is no absolution attained without compunction, without sorrow; the doctrine is, that there is no absolution attained without these conditions, though the words may be pronounced by the priest.

Is not the impression upon the mind of the Roman Catholics in Ireland, that the priest has the power of giving full and entire absolution?—I do not think it is.

In point of fact, if an individual in the Roman Catholic church receives absolution, without a sincere and hearty disposition to avoid sin, does he not, in addition to the sins from which he is not, according to your doctrine, then absolved, add the additional sin of a breach of a sacrament?—No doubt of it; a sacrilege, a profanation of what we believe to be a sacred ordinance.

Is not that doctrine maintained, professed, and explained by the clergy of your church, in their exhortations to their flocks?—It is; so much so, that those who continue in wicked practices do not come to confession.

When there are disturbances or combinations amongst the people in your county, are not you always able to know that fact, by the absence of the parties from confession?—No doubt such do absent themselves from confessional duties.

Is it not understood in the country, that before trial the priest has the power of absolving from the crime for which the person is to be tried, in case of murder, or any other grievous offence?—The doctrine understood is, that they cannot obtain absolution in any case, unless they have sorrow for the sin.

Do you mean, that in case of contrition being expressed on the part of a person to be tried for an offence, the priest has the power, before trial, of absolving him from the sin, for the commission of which he is to be tried?—He has no power, but what I mentioned; the doctrine of the church, and the doctrine that is taught, is this, that whether before trial, or after trial, unless there is sorrow for committing the crime, and a change of mind and heart, there is no absolution.

Do you not think, that in a case of conspiracy, such as was alluded to in a former question, the giving information to a magistrate, or taking some other means which should lead to the conviction of the other conspirators, would be the only proof, or at least the best proof of sorrow for the crime which the individual had committed?—Indeed I think it would be a very good proof, and a very strong one; but if the life of the individual himself is in danger, it is very hard to persuade him to take that advice.

Should you conceive the priest or bishop justified, according to the principle of absolution which you have just stated, in giving absolution to a person who had come to confession, unless he gave that evidence of sincere contrition?—I do not think he should give absolution, unless every means within the power of the penitent were employed to break up and defeat the conspiracy.

You have been examined as to the case of Connell's murder; were you at Mullingar at the time of that trial?—I was not.

You have stated your belief, that nine persons not guilty of the absolute offence of murder, suffered the punishment of the law?—I have.

Did you ever read any authentic publication of that trial?—Never.

Have you ever seen any report of the evidence on that trial?—Never.

Do you state that opinion upon the mere general rumour that prevailed in the county?—I do.

You have no knowledge of the case, except from report?—No other but report.

And it is part of the same report which you have heard, and of the same impression which is general amongst the people in the country, that though those nine individuals who suffered had not committed the crime of murder, yet that they had conspired

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conspired to commit it?—They were believed to belong to an illegal association that was very general in the neighbourhood.

And that they had intended to perpetrate that murder?—That I think also has been the belief.

Are you aware, whether the individuals who were convicted, were not indicted for a conspiracy to murder, as well as for the perpetration of murder?—I am not; but I believe they were indicted and prosecuted for the commission of that crime; I believe the individual who gave information against that party, swore that they were the persons committing it.

As nine persons were convicted, is it not probable that there was an indictment also for conspiracy to murder, the conviction having embraced so many persons?—

It might be so.

Can you inform the Committee, whether the conviction was for murder or for a conspiracy to murder?—I cannot, except from report.

Do you recollect to have heard of the fate of the principal witness on the trial for the murder of Connell?—I think I do.

Will you inform the Committee what his fate was?—I have only a confused recollection, that the prosecutor lost his life on that account.

Do you recollect to have ever heard where he was murdered?—I do not.

You have stated that in that part of Ireland with which you are connected, such convictions have taken place in consequence of the strongly excited feelings of both parties, and of the apprehensions which were entertained generally on the part of one class with respect to the proceedings of another; the only instance which you have given to the Committee, was that of the conviction for cutting the banks of the canal; the Committee presume, that the conviction in that case did not arise from any such collusion of sentiments as you describe?—Perhaps it did not entirely; but I dare say it may have had its influence.

Did that prosecution assume any political character?—I think not.

Then the conviction of those three men for cutting the banks of the canal, was probably produced from the same circumstances which might produce a conviction resulting from false swearing in any ordinary case?—I think so; but there is still a strong impression on my mind, that when a county is considered either more or less in a disturbed state, every outrage of this kind gives a kind of alarm, and a strong feeling at the coming on of the assizes, that it is necessary to make examples.

But during the whole time of your residence in the county of Longford, you cannot call to mind any case of a conviction which you think was produced by this collision of sentiment, or those excited apprehensions?—I cannot in the county I reside in, it is generally well governed.

Did any thing transpire at the trial of those three men for cutting the canal, which would invalidate the testimony of the prosecutor or of the witness?—The prosecutor, immediately after the assizes of Longford, set out to the assizes of Cavan, and there he fabricated another case equally untrue.

Did any thing appear on the trial to invalidate the testimony of that witness?—I believe not, and what enabled me and the other gentleman who took a part in the business, to succeed in releasing those men, was, that the Judges having returned, had on their minds what occurred in Cavan, and they had no hesitation whatever in reporting, that his evidence in the case in Longford was also not to be believed.

Then in the only case within your knowledge, since your residence in the county of Longford, in which, to your belief, a conviction was had upon testimony that ought not to be believed, the prosecution was not of a political character, and, on the report of the Judges themselves, the persons convicted were released?—Yes.

Have you ever made any communication respecting the innocence of parties who have been convicted, which was not attended to?—I never made a communication upon any occasion except on that one.

You have stated, that you never have read any authentic accounts of the trial of those nine men?—I never did.

Do you still entertain the opinion you expressed in the former part of your evidence, of their innocence?—That has been all along my opinion.

Are the Committee to understand, that you still retain that belief of their innocence, which you before expressed?—It is my belief they were not guilty of the murder.

Do you apprehend that they were guilty of any offence?—Yes; I believe that they were not the perpetrators of that murder for which they were convicted.

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Will you state what is your opinion as to whether they were innocent generally?—I expressed no opinion upon that, except thus far, that I believe that the persons found guilty belonged, in a general kind of way, to an illegal association in the country.

The opinion you have now expressed is founded upon the prevalent belief and report in the neighbourhood in which you reside?—Exactly.

Do you consider that this sort of general report prevalent in your neighbourhood, is as satisfactory a ground upon which you can form an opinion upon so important a matter as this is, as an authentic report of the trial would have been, if you had read one?—The authenticated report is nothing but the prosecution and conviction.

Would not an authenticated report of the trial have been accompanied by the evidence upon which that conviction was founded?—The evidence was one of the party that first conspired; he gave the information, he became the informer.

Whatever the evidence was, do you not believe that the perusal and consideration of the evidence would have been a more satisfactory ground upon which to have formed your opinion, than the report which you say prevailed in your neighbourhood?—I cannot be a judge of that.

Can you state why you did not have recourse to that method, which is usually adopted in such cases, instead of resting upon the mere report of the neighbourhood?—I did not seek the report, but I heard it from different persons; I did not resort to either the one or the other.

Have you, yourself, in the neighbourhood in which you reside, and in your diocese, expressed an opinion of the innocence of those persons, in the manner, and to the effect you have done to this Committee?—I have; but never to my own people; I recollect I have mentioned it to some Protestant gentlemen, and some gentlemen who were more or less connected with the administration of the county and the government.

Do you consider that the expression of your own opinion, in your diocese, has tended very much to confirm the belief in that report?—No; I have expressed my opinion but very seldom.

When you found a prevailing general impression among the Roman Catholic inhabitants of your diocese, that nine innocent men had unjustly fallen victims to the law, did not you think it incumbent upon you to ascertain the precise facts of the case, in order, that if that impression was erroneous, you might undeceive the people who entertained it?—No, it was not my duty; nor do I know where to resort for such information.

Did you mention it as your belief, or that such was the general belief of the country?—I believe it was in a cursory kind of way; it was rather a matter of conversation; and my reason for mentioning it at all was, because of the dreadful results that arise from the feeling that persons are punished not being guilty; it leads to those midnight outrages and retaliation.

And it dissatisfies people with the administration of justice?—Of course.

Do not you think it would be the duty of the Roman Catholic bishops, and of the Roman Catholic clergy, to take some public opportunity of undeceiving them, if they were under an erroneous impression?—I thought it would be a better way to hush, and say nothing about it.

And not to take any step to contradict it?—If it was really the fact, was not it better at once to hush it.

Is it the practice to publish reports of those trials at length, in any of the public newspapers?—No; I do not think it is.

You said, that confession is a divine institution?—We believe so.

Is the secrecy of confession a divine institution?—We believe so.

From what part of Scripture is it to be inferred, that a priest coming to the knowledge of a murder about to be perpetrated, cannot make a disclosure of such intention?—If it is of divine institution to keep secrecy in a general kind of way, it is in particular instances.

From what part of Scripture is it to be inferred, that a priest coming to the knowledge of a murder about to be perpetrated, cannot disclose that; what part of the word of God authorizes such a construction?—Confession is a tribunal, where Christ has empowered the Apostles, and their successors, to forgive sins, and that being the case, the secrecy follows as a matter of consequence, because sins will not be confidentially communicated, unless there is a surety that they will not be disclosed.

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Are you prepared to state the particular portion of the word of God, on which this construction of the doctrine of confession rests?—I think the power of binding or loosening, the power of retaining and of absolving; but they cannot exercise such a power, unless there is a communication, and there will not be such a communication, unless there is secrecy; they are parts following one another.

Is it not one of the orders of the church, that such confession should be held secret?—It is of the orders of the church; but we believe it is a higher order.

The Committee have asked you for the higher authority, which you have not given them, and therefore they presume it is one of the orders of the church?—We think it is of divine institution; and we think so, from the power being given of forgiving and retaining; and that power of forgiving and retaining sins, supposes of necessity, the making of confession; and making of confession, supposes of necessity, secrecy; there is not exactly on my mind any verse or text of Scripture, saying, that they are to keep it secret, but it is an essential to the other powers which are given.

Are there fees on confession?—No, I am not aware of any.

Is it your opinion, that the practice of confession tends to diminish and prevent crime?—Most undoubtedly.

You are aware, that that practice does not exist in the Protestant church?—Yes.

Is it your opinion, that the Catholic religion is so far more conducive to the preservation of tranquillity and good order in a state than the Protestant?—I do think there is nothing that tends more in its own nature to check and debar crime than confession.

Do you not think, that it is essential for obtaining the truth from a penitent, that he should know that you would preserve strict secrecy.—I do think it is essential.

Do you recollect any instances in which Catholic clergymen have been called upon in trials or in courts of justice, to give testimony of information which they may have received in their ministry?—I do not recollect any.

Do you recollect any instances where a Catholic clergyman has declined giving testimony with respect to a crime committed in his presence, or within his knowledge, upon other grounds than that he had received the knowledge of it at confession?—I do not exactly recollect; I think I have heard of some circumstances in the south of Ireland?

What were those circumstances?—I do not know that I have it clearly in my mind.

Do you recollect a trial for the murder of a person of the name of Brierton?—I did not hear of the trial; but I heard of a clergyman said to have been present. I did not hear of his being called on the trial; I heard of an arrest, and I heard of his release.

You did not hear of his having declined to give testimony of what he had witnessed?—I think I did hear that he refused it, but I think it was not on the score of confession, that had nothing to do with it; but it was rather on political principles; that it would be depriving him of a useful influence for promoting the tranquillity of the country should he be called upon to give information with regard to a number of persons that were there, who perhaps belonged to his own people.

Do you not think that a Catholic clergyman, or any other person, who was on such a ground to decline giving evidence which might lead to the conviction of the person or persons charged with a heavy crime, would take a very erroneous view of his duty?—I do think his religion has nothing to do with this question; I think it was a matter of state policy more than any thing else, and I think it was a wise course not to press it.

The Committee take the liberty of asking, however, whether, in your opinion, he did not take an erroneous view of his duty, in declining to give that evidence which he was called upon to give?—I do not think his duty, as a clergyman, called upon him at all; he conceived, I suppose, as many others have conceived, that, in the troubled state of the country, it would be injurious to its tranquillity if he was pressed to give information.

Do you consider, that the objects of peace and public tranquillity would be better promoted, by the exercise of his personal influence, in the manner you have described, or by the conviction of the person or persons who had committed a crime so atrocious as the murder of Mr. Brierton was?—I am at a loss to know; but I think it might be so.

Are you aware, whether Mr. O'Sullivan was sworn, before he declined relating what he had witnessed?—I am not aware of that.

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Are you aware, that that Roman Catholic clergyman interposed personally, at the risk of his life, to prevent the commission of that murder?—I do believe he did.

You stated to the Committee some facts relative to the alarm which prevailed, principally among the Protestants in the county of Longford; was that alarm general, or confined to a particular part of the neighbourhood where you reside?—I think it was limited to individuals.

In what part of the county of Longford is there the largest Protestant population?—In the part where I live.

In the town of Ballymahon?—Yes.

In that town, did you hear that any Protestants had declined, or avoided, through apprehension, going to religious worship on Christmas-day?—I did not.

Did you hear of that case in any other part of Ireland?—I did?

Where?—I do not exactly recollect whether I heard of their not going at all, but I heard of their being accompanied by an armed force, for their protection.

Did any circumstances, in your opinion, tend to create or to extend that alarm, beyond the ordinary causes of excitement which you have described, and the opinions which the circulation of Pastorini's prophecies had contributed to create?—I do not know any others.

Have you heard, that in any other part of Ireland the same alarm existed?—I have.

Have you heard, that even in the city of Dublin very great apprehension existed?—I did hear of it.

Is the church of Moydoo within your diocese?—It is.

Is there not a considerable Protestant population there?—Yes.

Do you think, that the language used upon public occasions by public men, in any bodies, just at that period, contributed to that alarm, or to spread that feeling of alarm?—I dare say it did.

Are not the Catholic clergy placed in a very difficult situation with respect to all matters regarding the administration of justice, in consequence of the general hostility that prevails amongst the lower orders to the law?—I think they are.

That is, the hostility connected with those laws which place the Catholics under civil disabilities?—Yes.

Is not this situation of the clergy, and the difficulty they have in these respects, very much connected with the question of Catholic Emancipation?—Indeed I think it is.

Is it not the fact, that if a Catholic clergyman takes a part in controlling the laity, when disposed to commit insurrectionary acts, he is always liable to be considered by them as in some degree a traitor to their interests and their cause?—There are many instances of it.

If the Catholic clergyman, when the country is in any way disturbed, remains quite neutral, is he not then consequently exposed to be censured for lukewarmness, and a tacit assent to the irregularities that are going forward?—He is considered lukewarm by one side, and perhaps the reverse by the other.

Has a bishop any greater power with respect to absolution than the priest?—None, *Vi Ordinationis*.

Has the Pope greater power?—None, *Vi Ordinationis*.

What councils are admitted as of force in Ireland, at present?—The Council of Trent is the last council.

Are the decrees of the Council of Trent in force in Ireland, at present?—For the most part, they are.

What power is there in Ireland to reject any part of the decrees of the Council of Trent?—There were certain points of discipline, which were not to become obligatory till promulgated and received. In some parts of Ireland, these were not received, such as the law of clandestine marriages.

Are not all the important decrees of the Council of Trent enforced in Ireland?—They are.

Are the decrees of the Council of Lateran enforced in Ireland?—I am not aware what parts you refer to.

If a person is refused the sacrament, does that imply that he is refused absolution?—There is no instance of giving the one, and refusing the other.

Supposing an individual has not paid his assessment for a chapel, would there be any power on the part of the bishop or the priest, to withhold from him the sacraments?—No power, for any pecuniary consideration.

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Then if the Committee should find a letter issued by a *vicar capitular* in Ireland, to this effect; "Reverend Sir, I enjoin you again not to administer any sacrament, publicly or privately, to any person, or any one of his family, who shall not have previously paid the full amount of both taxes; nor any of the rites of churching women, blessing of clay, or celebrating mass for them, under pain of suspension, to be incurred by the fact;" if such an order as that were issued to a priest, do not you think he would be compelled to obey it?—I do not think he should obey it. I do not think such an order should be issued. I know the printed regulations in my diocese are, that neither marriages or baptisms are to be refused on account of money. We have no civil means of enforcing the payment of money; and sometimes, perhaps, the churching of women, which is not a matter of absolute necessity, may be threatened to be postponed, in order to obtain this money for the support of a chapel or of a school; but a clergyman would be very criminal, if he refused absolution for any such consideration.

What is the ceremony of blessing clay?—It is on account of the law not permitting Roman Catholic clergymen to attend the burial; that ceremony takes place in the house of the deceased.

It is a ceremony previous to the burial?—Yes.

What is the state of the chapels in your diocese?—There are some of them in a miserable state; but there is an improvement within these few years.

Are they not so bad, as to justify great efforts to obtain money in order to procure decent accommodation?—They are, in many instances.

Will you be good enough to give the committee any information in your power, with respect to the regular clergy in your diocese?—I have none in my diocese, with the exception of one house in Athlone.

Do you know the state of the regular clergy in the city of Limerick?—Not at all.

Have you any power of interdicting regular clergymen from coming into your diocese, and preaching to the flock of any secular clergyman?—I have the power of interdicting all, whether secular or regular, except those of the diocese appointed by myself.

You would think it expedient to exercise that right?—Certainly, it is inexpedient that there should be any encroachment.

What is the mode you would resort to for the purpose of carrying that interdiction into effect?—Forbidding him.

Supposing he persisted in addressing the flock of a secular clergyman, what authority would there be to prevent it?—The authority of suspension; and if he acts contrary to that suspension, he incurs what we call an irregularity.

Can you suspend a regular clergyman?—I can suspend him from administering clerical duties in my diocese; I cannot forbid him attending to duties within the precincts of his convent, but so far as regards the administration of the diocese, I could prevent him.

There would be no power of forcible interference?—No; if he becomes refractory, we have no other remedy.

Do you know at all the number of regular clergy in Ireland?—I do not at all.

Do you know the fact, that there are regular clergy in Ireland, belonging to all the orders?—Yes; I believe to many of them.

There are Jesuit establishments in Ireland, are there not?—I understand that at Clongowes, there is a house, and that the clergymen there are Jesuits; but I never believed the house to be for the education of Jesuits.

From whence are the funds of the convent, that you mentioned to be existing in your diocese, derived?—I do not think they have any funds; they depend on the voluntary contributions of the faithful.

Are they places of education?—Not in Athlone.

What is the establishment of the principal convent; how many persons are there attached to it?—In the convent at Athlone, there are three; one of them is employed by me, on the mission.

Then it is a decayed convent?—It is falling off rather; I do not think there have been more than that number these hundred years.

How are they appointed?—Their provincial sends one or more individuals, in proportion as he thinks there are means to support them.

Are there parochial duties attached to the individuals who belong to convents?—No; in the instance I mentioned, I attached parochial duty myself to one individual.

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Have the regular clergy in Ireland any parochial duties allotted to them?—Not that I am aware of.

Then what is the object of their institution; how do they occupy themselves; is it in religious penance?—They generally have mass every day; they attend in the evening also at vespers; they instruct, and sometimes in some parts of the year they are applying to the public for some eleemosynary assistance.

They have no care of souls at all?—In general they have not.

Are they quite unconnected with the Roman Catholic prelates, or are they under the jurisdiction in any way, of Roman Catholic prelates?—In case of a scarcity of secular clergymen, he has the power of calling an individual from time to time to assist.

Is the succession to them elective, in case of the death of a person belonging to a friary or a monastery; do the remaining members elect the individual who is to succeed?—By no means.

How is it managed?—The provincial belonging to each order, selects from another convent an individual to succeed the deceased.

Is the office of provincial generally held by the bishop?—No; it is held by one of their own order.

Is there any limitation upon the number of the regular clergy in Ireland?—I am not aware of any.

Do you conceive that you are empowered in your diocese, to prevent the forming of a new convent?—I think I am on new ground.

Can you prevent the extinction of an old one?—I think not; but I have authority to prevent the establishment of a new one.

Have you the power of visitation?—I have not.

Do you make any report to Rome upon the state of the convents?—I do.

Is there any closer connection between the regular clergy and the See of Rome, than exists between secular clergy and the See of Rome?—Not that I know of.

What are the dignitaries of the regular clergy; is the provincial their head?—No; the general of the order.

Does the head of the Dominican order reside at Rome?—I think very generally he does.

Are the individuals belonging to the Dominican order, who exist in Ireland, subject to the control of the provincial of that order?—They are.

Do they maintain correspondence with him?—I presume so.

Are their tenets, with respect to Roman Catholic doctrine and discipline, the same as those that are held by the other clergy?—The same exactly.

Is celibacy enjoined upon the clergymen of all Roman Catholic countries?—Yes.

Is celibacy an indispensable condition upon entering the Catholic church?—I think so.

Do you then think it would be indispensable to the discipline of the church, not to absolve the clergymen from that vow of celibacy?—It is an ecclesiastical law, and of course can be repealed.

By what authority could it be repealed?—By a council, or his Holiness; if concurred in by the church.

Should you yourself, considering it as an abstract question, think it injurious or beneficial to the interest of the Roman Catholic church, to dispense with that obligation?—I cannot form an opinion.

Do you recollect the oath that is taken on consecration, by a Roman Catholic bishop?—Not exactly.

You took an oath upon consecration, of course?—Yes.

Doctor Doyle stated to the Committee, that there was no authority competent to alter that oath, except the authority of the Pope; or at least, that it could not be done without communication with the Pope; are you of the same opinion, or do you think there is any internal authority in this country, that could alter the form of that oath, without communication with the See of Rome?—I am not aware that there is; I believe an alteration was made by the Pope, at the suggestion of the Catholics, and I dare say, that any other alteration that was suggested, that would not be inconsistent with his rights, he would accede to.

Do you recollect a letter, that was written by Cardinal Litta, subsequent to the letter which appeared from Quarantotti, upon the subject of the discipline of the Roman Catholic church?—Yes; I have a recollection of it.

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Do you recollect what was stated in that letter, with regard to what is called the *Regium exequatur*?—Yes.

Do you not recollect, that it is said, that no negociation with respect to the *Regium exequatur*, can be admitted?—The objection of Cardinal Litta was to the interference of the lay authority.

Do you think they would agree to a commission of ecclesiastics in Ireland, to exercise the power of suppressing a communication from the See of Rome, if they should think it objectionable?—I would be disposed to think that they would agree to an ecclesiastical commission to inspect.

Could an ecclesiastical commission in your opinion, be appointed by Act of Parliament, and would it be submitted to by the Roman Catholic bishops, without communication with the See of Rome?—The See of Rome has already spoken on the subject; and having done so, I think we would feel justified to act on that ground.

You would presume upon the consent of the See of Rome, to the extent to which that consent has been signified?—Yes.

Would you go further?—I cannot say I would. I am convinced his present Holiness would do the same, as far as our religion and discipline would permit, to acquiesce in any measure that would tend to tranquillize the country.

This is a year of jubilee in the Roman Catholic church?—I believe so.

Do the orders that have been issued from the Pope, with respect to the celebration of that jubilee, extend to Ireland?—No.

Why is Ireland excepted?—I do not know.

Is there any restriction with respect to the regular clergy being natives of Ireland?—There is no instance of a foreigner.

Practically, there is no instance of a foreigner belonging to the regular clergy being settled in Ireland?—No instance of it.

You mean of late years?—Of late years, or in former years, that I have any recollection of.

In some dioceses of Ireland there is a great number of regular clergy, is there not?—I should imagine there are some.

Should you be surprised to hear, that there are as many regulars in the City of Limerick as there are secular clergy?—I am aware that there are more in the City of Limerick than in any other, but I did not imagine it amounted to that number.

Supposing a provision were made by the State for the secular clergy, would you think it desirable to include the regular clergy in a similar provision?—I am not aware whether it would be wise or not, it is the state business.

Supposing the secular clergy received a stipend from the State, and that the regular clergy were entirely unconnected with the State, might not the influence of the regular clergy be considerably increased in Ireland by that means?—I do not know.

Might an individual recur to a regular clergyman for the purpose of confession?—Yes.

Might he recur to a regular clergyman for baptism?—Not usually.

Supposing the rite of baptism were performed by a regular clergyman, would it be invalid?—No.

Supposing a marriage were performed by a regular clergyman, who refuses obedience to the order of the bishop, would it be invalid?—It would not be valid; and on the principle I mentioned laid down by the Council of Trent, in order to prevent clandestine marriages, it was ordered that the parochial clergyman, or some one deputed by him, shall assist at the marriage.

In what light would the Roman Catholic church regard the marriage of two Roman Catholics, performed in a Protestant church, and not subsequently or previously performed in a Roman Catholic place of worship, as to the spiritual effect of it?—As to the spiritual effect, I do not think it valid.

What would be the effect that would follow in Ireland from the denial of validity to that marriage?—They would not be considered to be living in the marriage state.

Would a Roman Catholic clergyman perform the ceremony of marriage between one of those parties and a third party?—I do not think he would; it is considered in all its temporal and civil effects to be valid; but the Council of Trent has said, that if they are two Catholics, it is a *conditio sine quâ non*, that the clergyman of either the one or the other party shall attend.

What is the light in which it would be regarded by the Roman Catholic church, does it not seem to be a sort of qualified validity?—The Catholic Church would not

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not interfere with regard to inheritance, with regard to the civil effects, but still, ecclesiastically, the children of that marriage would not be considered as legitimate, for instance, if one of them applied to me for ordination, I do not think I would be justified in giving it.

Should you refuse to ordain an illegitimate person in the church?—I would; it would be an irregularity; it is a rule of the church; it is considered a kind of degraded state, and a person degraded would not be considered a fit person to be ordained.

What proof do you require of legitimacy?—A marriage.

Do you give a certificate of marriage?—It is so ordered to be done.

Is not the registry very imperfect in Ireland at present?—I do not think it is in general: in my diocese, I think not.

Is there any remittance of money, on any account whatever, from Ireland to Rome?—Never, that I know.

Not from any bishop?—No.

No fee on institution?—No fee on institution.

How are the affairs of the Irish Church at Rome managed; by a secretary, or by a congregation of cardinals?—They are managed by the *Congregatio de Propaganda*, over whom there is a president.

Is not that divided: are there not committees formed which have different churches subject to them?—I believe there are.

Who is the cardinal that presides over Ireland at present?—Somalier.

Is his correspondence carried on with each bishop individually, or is there any one bishop appointed to correspond with him upon the affairs of the Irish Roman Catholic church?—Individually in general. The metropolitan was very commonly the channel of communication between his province and the see of Rome.

In what cases are appeals to the see of Rome admitted?—In many cases: for instance, in case of the suspension of a clergyman, he can appeal to Rome.

How is a case tried at Rome, by the transmission of documentary evidence?—A commission is appointed in general. The metropolitan, and one or two bishops most contiguous to the appellant, are authorized to call the parties before them.

In what other cases besides the suspension of clergymen are appeals admitted?—I am not aware at present.

Are they admitted in any question as to the validity of marriages?—I believe not; the law is settled in that respect.

Are there applications to Rome in cases of dispensation from ordinary rules?—There are dispensations obtained from Rome, for instance, in the case of marriages which are forbidden within certain degrees of affinity and consanguinity.

Are those the same degrees that are forbidden in our church?—I should imagine not; I should imagine in the Protestant church they do not extend so far.

Supposing a dispensation were granted for the marriage of an uncle and a niece by the see of Rome, would a Roman Catholic bishop in Ireland hesitate to solemnize that marriage?—No, he would not.

To what extent would that dispensation go; is there any limit upon the dispensing power?—There is; the case of an uncle and a niece is as far as is granted.

Is divorce admitted in the Roman Catholic church at all?—A separation is admitted, but not divorce; separation *quoad thorum et quoad habitationem*, but not *quoad vinculum*; if a marriage is once valid, we believe no power on earth can dissolve it.

But not *quoad vinculum*?—No, we think it is indissoluble if it is once canonically contracted.

Are there not cases in which marriages have been dissolved in the Roman Catholic church, upon the ground of their having been invalid *ab initio*?—Yes; that is a declaration that it was not valid at all.

Would not a regular clergyman, who performed such marriage without being regularly authorized, be censurable for so doing?—Yes.

You have mentioned that the regular clergy, in some parts of Ireland, exist in great numbers; do you think, or do you know, whether they are regarded by the people, or by any class of communicants, as of superior piety, or are looked to from any impression of their possessing that claim?—I do not doubt but in many parts they are regarded in that way.

Are not the popular preachers in some of the cities of Ireland, in some instances, of the class of regular clergy?—They are, I believe.

Do you know whether they have been much looked to as spiritual advisers for the rite of confession?—I dare say they have.

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Are they not, in point of fact, looked to as the popular clergy, for instance, in Limerick and in Galway, for confession?—I have no doubt they are.

With reference to a question which was put just now, whether in the event of the parochial clergy receiving a provision from the State, you would anticipate that any superior popularity, or additional popularity, would accrue to the regular clergy for the performance of those rites for which they are now resorted to; do you think that that would be the case?—I would not be surprised if it was the case; I am not sure, however, that it would be so.

The regular clergy receive their education abroad, in general, do they not?—Yes; the regular clergy generally receive their education abroad.

Do you know where they receive their education, or from what academies or seminaries they are supplied?—Some go to Rome, some to Spain, some to Portugal.

Are they not generally from Spain and Italy?—From Spain, Italy, and Portugal; I think as many from Rome and Portugal as from Spain.

Do you know whether a great number of the present regular clergy have been supplied from Rome or not?—I am not aware.

You are not aware of the number in the establishment at Galway?—I am not.

Nor how many convents there are there?—I think there are four, at least.

Has the See of Rome the power to form any new establishment in Ireland for the regular clergy?—As far as I am prepared to answer that question, I think the concurrence of the bishop of each diocese is generally required before any new establishment is formed.

Do you mean, that a body of regular clergy cannot congregate and form themselves into a community, within your diocese, without your intervention or permission, provided they claim no right of exercising any spiritual functions?—I do not think they could establish a new convent in my diocese without my concurrence; I think they would act irregularly if they did.

Do you know of any endowments having lately been left by pious individuals for the establishment of such houses, or for the extension of the means which those houses possessed?—I have heard of some.

By whom was Clongowes endowed?—Mr. Kenny, I believe, was the undertaker of it; but from what source he received the funds I do not know.

He is the gentleman who now presides over the education of youth there, is he not?—Yes.

Is it probable that he was a man of fortune sufficient to have made that purchase?—No, I am not aware he was, nor of the source from whence he derived the funds.

Are you aware whether the source of that endowment was derived from abroad, or from pious individuals at home?—I do not know.

With respect to marriages, you have stated, that in conformity to the directions of the Council of Trent, no marriage between two Catholics is considered legal without the parish clergyman of one of the parties being present?—Or some person deputed by him.

Are not marriages also not sanctioned by the bishop of a diocese when contracted in the presence, or by the intervention of a regular clergyman, not unfrequently admitted in Ireland?—I believe not; I think a marriage performed by a regular clergyman, without the concurrence of the bishop, or the parochial clergyman, is irregular.

Is it held that priests degraded lose the power of performing spiritual duties; for instance, of marrying?—It is so believed in the case of marriages where the decree of Trent on clandestine marriages is received.

Is there not a class of priests in Ireland, less usually occurring now than formerly, but was there not a large class of those priests degraded by the authority of their superiors, who were constantly resorted to for celebrating marriages, either of a clandestine nature, or amongst the lower orders?—There are such individuals still, few in number.

How does the fact of their performing those ceremonies consist with the statement you have made of the impossibility of celebrating such marriages?—They are degraded, of course; they have not the concurrence of the parochial clergyman, and that is necessary for their validity.

Do they celebrate the rites of marriage in many instances?—I cannot say in very many.

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How are those marriages regarded?—As invalid.

If no legal proceeding were taken to invalidate such a marriage, how would it, in a legal point of view, affect the legitimacy of the issue of the marriage?—That depends on the State. We consider it an invalid marriage: how the State regards it I do not know.

What is the law of Poland with respect to marriage?—I am not exactly aware.

Is there not a great facility of divorce according to the Polish law?—I am not aware of it: but I think the law with regard to marriage is the same all over the Catholic world. Wherever the decrees of the Council of Trent are acknowledged, that part of its discipline which requires the presence of a clergyman is enforced, and that is for the purpose of guarding against those very degraded clergymen that the poorer classes sometimes resort to for marriage.

A former part of your examination had reference to the appeals to Rome: have you known the occurrence of appeals to Rome in any cases except those of the suspension of a clergyman, or applications for dispensations?—I am not aware, at present, of any.

May the Committee ask whether you became a bishop by direct nomination from Rome, or in consequence of being postulated by the clergy of your diocese?—Both: first postulation, and then nomination from Rome.

Your postulation preceded your nomination?—Yes.

Is that the case with the majority of the Irish Catholic prelates?—I think so.

What is the latest instance of any direct nomination from Rome without the intervention of one or other order of the clergy in Ireland in the way of election?—I do not know of any.

Are there none of the ancient prelates existing who have been nominated from Rome without any form of domestic election?—There has been no instance of it for years.

In what manner were you elected; was it by the general body of the clergy in your diocese, or was it by a chapter?—I did not belong to the diocese. I was a parish priest on the border of the diocese of Ardagh when the see became vacant; a respectable portion of the diocese thought I had a fitness to fill the vacant see, this was sent forward to the metropolitan, and by the metropolitan to Rome, and the appointment followed.

Was there no coadjutor to your predecessor?—No; a coadjutor is an assistant to the bishop. There was a vicar capitular, that is the person who, during the *interregnum*, has the administration of the diocese.

Is not the practice of associating coadjutors with the actual bishops of frequent occurrence in Ireland?—There are instances of it.

Is it only in case of advanced age or infirmity?—It is only in such cases.

Is the authority of the vicar capitular any other than to administer the see during a vacancy?—He is a vicar appointed by the chapter to administer the see during a vacancy.

Are there chapters in most of the dioceses in Ireland?—I think there are in most; I have one.

In some instances have not the bishops been named in consequence of capitular election, without the intervention of the parochial clergy of the diocese?—The chapter has a right of putting forward a recommendation exclusively, but in general I think they yield that right in courtesy, and every parish priest in such case has a right to give an opinion as to the fitness of the individual candidates.

How is that opinion expressed; is there any assembly of the priests?—There is an assembly at a certain fixed time after the demise of the bishop.

Have you known instances where there have been rival candidates?—I have.

Has there been polling on those occasions, or has the sense of the assembled body been collected without recurring to any absolute giving of votes?—They give their votes sometimes secretly, and these votes are sent forward generally to the metropolitan, and by him to the Pope; that was done in my case.

In such cases is the power of electing confined to incumbents of parishes, or to a degree inferior to them?—It depends in a great degree on the meeting assembled; if they agree among themselves that each priest shall have a vote, even where there is a chapter, it goes on so; sometimes the chapter confines it to itself.

Do you concur with those prelates who have stated that they should see no objection, or inconsistency with the discipline of the Catholic church in Ireland, to restrict the nomination of prelates absolutely to those who have been postulated from Ireland?—Not the smallest objection.

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In fact, to make domestic nomination essential to the institution?—Not the smallest objection.

Should you object, as being inconsistent with the independence of the Catholic church, to a provision being made by the State for the bishops and clergy of the Catholic church in Ireland?—I do not see any objection as to its independence, but so far as regards myself I have no anxiety for it.

You say you see no objection as to the independence of the church; do you see any objection upon any other ground?—I do believe there are some who would suppose the exertions of the Catholic clergy might slacken when their support was independent of the will of the people; but, however, I have not those apprehensions, because I think, as long as I live, the clergymen under my care will do their duty.

Does not the necessity of contributing to the support of the clergy, in many instances, press rather severely upon the population?—No doubt it is so much out of pocket.

And in many instances, out of a pocket which contains very little?—Yes.

In many instances, then, it must press very severely upon the population?—Yes.

You can have no doubt then, that if there was no objection to it in point of independence or of discipline, that such an arrangement must be acceptable to a large body of the Catholic population in Ireland?—I think it would, conditionally.

Of course concurrent with Catholic Emancipation?—I think in that case it would be acceptable; I think it would be well received; but without that condition I do not think it would be received as a boon.

If made concurrent with Catholic Emancipation, or consequent upon such a measure, and not objected to by the bishops or clergy, you cannot have a doubt it would be acceptable to the people?—I think it would.

In the event of the gift of such a provision being made, concurrent with the grant of Catholic Emancipation, should you see any objection to the Crown receiving a power of inquiring into the character and principles of persons postulated for the Catholic episcopacy, and acting upon such information?—I would.

Would you think that objection would equally lie against it if the inquiry was made by a commission consisting of Catholics?—I would not like any interference at all on their part, except so far as regards the clergy of the diocese, over whom the individual in contemplation is to preside.

Should you conceive it objectionable even if the commission was composed, not only of Catholics, but of Catholic ecclesiastics?—That they should report to the Crown the appointment, I have no objection to it.

That they should report to the Crown the character and principles of the individual so appointed?—Of the individual so appointed they might report their opinion; who he is, and their opinion as to his fitness and loyalty, &c. &c.

You would consider a previous examination as to his qualification as inconsistent with the discipline of the church?—I do not think it would be consistent.

In the event of a provision being made by the State for the support of the Roman Catholic church, do you think there would be any objection in principle to a certificate being required by the Crown from an ecclesiastical Roman Catholic commission, appointed by the Crown, of the character, loyalty, principles, and domestic nomination of the bishops and clergy, before they received the stipend which the State gave them?—That is perfectly consistent.

You see no kind of objection to such an arrangement?—Not the smallest.

Your only objection then is an objection to any interference on the part of a Protestant State, even though exercised by an ecclesiastical Roman Catholic tribunal in the appointment itself?—Certainly; that is all.

Do you think it just on the part of a Protestant State to require to be assured of the loyalty and irreproachable character of the Roman Catholic priesthood and hierarchy, before they received a stipend from the State?—I think it is perfectly consistent and perfectly right.

Do you conceive that the payment of the Roman Catholic hierarchy and clergy by the State would put an end to the complaint at present existing in Ireland, of the support of a double order of clergy being cast upon the Catholic peasantry?—I think it would be a relief to them, and I think in course of time it would be acceptable enough to them.

Do you conceive that, as far as that relief was felt, it would be an additional security to the Protestant establishment in Ireland?—I think it would.

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Have you ever heard expressed in Ireland, or do you yourself feel any disposition as a Roman Catholic bishop, to interfere with the temporal authority or property of the Protestant church?—Not the slightest; if I was offered the tithes, I would reject them.

Has it ever been suggested by any individuals amongst the Roman Catholic hierarchy, or do you yourself feel any desire that the Roman Catholic bishops should in any event be admitted into the House of Lords?—Never; I never had such an idea, and it never entered the mind of any ecclesiastic.

You never heard that the admission of the Catholic bishops into the House of Lords has entered into the contemplation of any of the leading Lay-catholics in Ireland?—It never entered their minds. We have no ambition for those matters; our great anxiety is for the peace and welfare of the country, and we are ready to make any sacrifices for the sake of promoting that object which is consistent with the discipline of the church.

The Committee would wish to inquire, whether you see any objection on the part of the clergy to the relinquishment of all those dues and fees which they now receive for the performance of religious rites, or for their own support, in the event of their receiving an adequate provision from the State?—There are some which they might not be willing to relinquish; for instance, perquisites on marriages, and baptisms and funerals; but the rule I would observe myself on such an event taking place would be, to have a meeting of the clergy to regulate thus far you shall go and no farther; I would conceive it my duty to do so.

There is not however in the character of those fees or obligations any thing so essential, as to make it impossible or difficult for the clergy to relinquish them?—Nothing at all; I believe in all churches they have generally what is called small dues.

There is nothing in the oblation which adds either to the sanctity or force of any religious act performed?—No.

You think there would be no difficulty in relinquishing altogether such fees?—No difficulty, as far as regards discipline.

Do not those fees in many places form the principal portion of the income of the catholic clergyman?—Mostly.

What is the marriage fee in your diocese?—They are not allowed to charge more than three crowns.

What is the case in other dioceses within your knowledge?—I do not know; my printed regulation is, that they shall not charge more than two shillings and sixpence for a baptism, nor more than three crowns for a marriage.

Do you know what the fee is in other dioceses?—I believe, in some parts, it is more.

In the south is not it more?—So I have been told.

Did not you receive your education abroad?—Yes.

At what university?—At Salamanca.

Did many of the bishops now in Ireland receive their education at foreign universities?—Yes; I believe Dr. Murray and Dr. Curtis were at Salamanca; Dr. Doyle was at Coimbra.

Have the majority of the Catholic prelates received their education abroad, or at Maynooth?—I think the majority, at present, were educated abroad; some few of the younger have been educated at Maynooth.

Are you acquainted with the course of education at Maynooth?—I am.

Is it similar to that which prevails at the university at which you were educated?—Nearly so.

The theological education?—The education is mathematical, philosophical, and theological.

Have any or many of the parish priests in your diocese received their education at foreign universities?—Some few of them.

Are those the old priests?—Yes.

Do you find their reception by the people as favourable, and their influence as great, as that of the priests that have been educated at Maynooth, or have you observed any difference?—I think there is a sort of feeling in favour of continental education; but much depends upon the manner in which they discharge their duties how far that feeling may continue or not.

You think the feeling is in favour of continental education?—Yes, at first; but as to the after feeling, it depends upon the discharge of their duties.

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Will you have the goodness to state how many feast days there are in the Roman Catholic church?—I am not prepared exactly to answer that.

Do they amount to a hundred in the course of a year?—No.

Is it the custom of the Catholics of Ireland not to work on those feast days?—Yes.

Does that custom arise from any injunction on the part of the Roman Catholic priesthood?—It is a precept of the church.

Can you state generally how many feast days there are?—I do not think there are more than thirteen or fourteen.

Do you think, if they could get employment on those days, they would accept it?—I think they would not: I think they are inclined to work; but still they are more inclined to obey what they consider an obligation of the church.

What is the penalty imposed by the church on disobedience to this precept?—No penalty, except a reprehension for disobeying the rules of the church.

Is the church service performed regularly in the chapels on those feast days?—Regularly.

Do not you think, that if it should fortunately happen for Ireland that manufactures were introduced there, and a spirit of impulse given to the employment of the poor, it would be a very unfortunate thing for the people to be deterred from labouring on those days?—Under such circumstances I would say, that an application to the See of Rome might probably obtain a retrenchment of some of them.

Is there not an indulgence generally extended by the Catholic priesthood to persons engaged in works which it is essential to carry on on holidays, particularly in distilleries?—I never heard of it.

Does the power to grant dispensation from the observance of those days exist in the Catholic church?—Yes.

Does the exemption from labour on those holidays last through the whole of the day?—The whole of the day; but still I think in many instances, after hearing divine service, they do resort to their work.

Is there any penalty attached to working on a feast day?—Not the least, except so far as that it is disapproved.

Are you aware, that in some Catholic countries, in France for instance, the holidays have been diminished to four?—I did hear they were diminished.

They were so diminished by permissive power granted from Rome?—I presume so.

Is it not the custom of the people in Ireland to indulge in great licentiousness on those days?—It is so, I fear; and on Sundays too.

In fact they almost cease to observe them religiously?—They cease to keep them according to the spirit of them when they violate the rules prescribed.

You were asked a question on the subject of the state of the chapels in your diocese; are the chapels generally in a good state or otherwise?—Some of them are, but the others are miserable enough.

When you answer that they are in a good state, do you mean that the buildings are in good repair, or that they are commensurate to the wants of the people?—They are, some of them, in a respectable situation, so far as regards the building outside; they are not so decently finished inside as I could wish.

Are there many places within your diocese where the chapels are entirely inadequate to the number of the congregation?—I think in general all are so.

Will you describe what occurs in such cases, or how the population can attend divine worship?—The only remedy we can adopt in order to avoid the awkwardness of remaining outside, is to increase the number of clergymen. At the chapel at Ballimahon I attend every morning at eight o'clock, on Sundays invariably, and my curate attends at ten and at twelve afterwards, and there is a large congregation each time.

Are there other places within your diocese where service is celebrated three times?—Yes, there are.

Are there any instances where it is celebrated more than three times?—I think not.

Are those three services on the Sunday entirely owing to the number of the congregation and the inadequacy of the means of receiving them, or at all those parishes would not two services be celebrated on Sunday?—Not always two, in case where there are two chapels and only one clergyman.

Are there any instances in which the congregation are obliged to kneel down in the open air?—It does occur in many instances where there is only one mass.

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Is there any endowment in any part of your diocese for the support of the parochial clergy, or is there any house for the residence of any of them in any instance?—There are a few instances since I came into the diocese where they have built parochial houses.

In such instances has the house been built at the expense of the Catholic clergyman, or by a contribution from the parish?—Principally by the clergyman, and partly by contribution.

Will that house, in that case, be the property of his successors?—So far as regards those with which I am concerned I think it must, because I have endeavoured always that it should be within the precincts of the chapel yard. I have heard of instances where it has happened that the relation of the deceased refused to give up possession.

Where the relation of the deceased has claimed as his heir?—Yes.

Do you know any instances where ejectments have been brought to recover possession of such buildings?—I have heard of them.

They are not within your diocese?—No.

You do not doubt that they have occurred?—I have no doubt they have occurred.

Can you state any one to the Committee?—I do not exactly recollect any.

In any instances which have come within your own knowledge has there been a little spot of land adjoining to the chapel given with the chapel?—Yes, there has.

Has that been in any instance turned to the purposes either of agriculture or of pasture?—To purposes of meadow or pasture.

Have you known any instance in which that little spot adjacent to the parish chapel has been made the matter of demand for tithe?—Yes, I have.

Will you state that instance, and the cause of it?—A gentleman gave a spot of ground amounting perhaps to three roods, for the building of a chapel, and the chapel was built on part of it; there remained something like a rood and a half, where the clergyman got a little meadow, and I have known the manager of the tithe to charge the clergyman tithe for that little meadow.

What was the result of that?—The result of it was that the Protestant parishioners felt so indignant at the claim being made, that they offered to pay this demand themselves.

The Protestant parishioners paid the tithe demanded of this Catholic clergyman?—Yes; I have been told so.

That demand was made by the proctor of the clergyman, and not by the clergyman himself?—Yes, by the proctor.

You have no reason to ascribe to him in any way the act?—No, I am not aware he had any knowledge of it.

Do you happen to know whether the proctor was a Catholic or a Protestant?—I believe he was a Protestant.

Is it the practice in your diocese, if a Catholic clergyman holds a small farm, for instance, as matter of courtesy on the part of the Protestant clergymen to have that farm exempted from tithe?—I think it is very often so; I know that in all the situations that I have been in myself, I never was charged tithe.

Is not it generally the practice from one clergyman to another, whether he is Catholic, or Protestant, or Presbyterian, to exempt the land held by such clergyman from the payment of tithe?—It is what is expected, but sometimes it happens otherwise; I never was charged.

Will you have the goodness to state to the Committee how your diocese is circumstanced with respect to parochial schools?—The school-houses are miserable.

Have you been enabled to do much of late years in the improvement of them?—A good deal; but want of means leaves us much still to do.

Have you a general school in each parish?—There is a general school, and particular schools in each parish.

How many schools are there in the large parishes?—I suppose about five or six in large parishes.

In what sort of buildings are they generally kept?—Some of them very wretched; in the towns they are better.

Are the chapels generally used for the purpose of school-houses in country parishes?—In some places they are; I disapprove of it, but sometimes of necessity they are allowed, from there being no other.

Have many schools been founded or aided under the establishment in Dublin, within your diocese?—I do not think there is one at all, of the Catholic schools under my direction, so founded or aided.

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Will you mention to the Committee how funds are obtained towards those schools that are under your direction?—Subscriptions from priests, subscriptions from those Catholics that have some better means, whatever assistance I can afford, and mostly some stipend from the parents of the children.

Have you also received assistance from Protestant proprietors?—I have as often as I have applied to them, and I would have applied to them more, but I did hope that this session of Parliament there would be something done for us in that way.

You stated that at one time you had an intention of sending a nephew of your own to Clongowes?—I had.

To what school did you send your nephew?—To Mr. Edgeworth's school, in the county of Longford.

Your resolution led you to send him to a school kept under the direction of a Protestant gentleman, in preference to a school kept by the Jesuits?—I considered it a fit school, and it was convenient.

Are there any religious distinctions of any kind in the school which is kept under the superintendence of Mr. Edgeworth?—Not the slightest.

Is it attended indifferently by Protestants and Catholics?—By Protestants and Catholics; in fact the words Protestant and Catholic are not only not mentioned, but I think, except from the division that takes place on Sundays, they do not know what religion the others are of.

How many young men are there in that establishment?—Two hundred and fifty or thereabouts, so far as I have a recollection.

Does not this arise out of regulations that Mr. Edgeworth has there adopted, and which totally prevent the possibility of any spirit of proselytism being manifested?—I think it is altogether his own regulation; and such was my approbation of that school, in contradistinction to proselyting schools, that I sent my nephew there, to sanction the one in contradistinction to the others.

Is any religious instruction given at that school?—On two days in the week the catechism is taught, in one part of the building, to the Protestants, and in the other part of the building, to the Catholics; and on the Sunday evening, when the one comes from the church, and the other from the chapel, they assemble for instruction.

Would you object to allow the same system of education to be extended to the lower orders?—I am as anxious for the education of the poor of my diocese as any man can be, provided there is no interference with religion.

Would you object to the schoolmaster being a Protestant who superintended the Catholic scholars?—I do not think he is calculated to that office; I think in a large school, which would comprise both Catholics and Protestants, there ought to be two masters, the one a Catholic, the other a Protestant; it is unmeaning to suppose that a Protestant teacher would be able to inculcate the doctrines of the Catholic church.

Suppose a school was established which had a Protestant schoolmaster, and to which the Catholic priest and the Protestant clergyman should have both the power of visiting, would you have any objection to a school established on that plan?—I should have no objection to trying it.

Is not that the principle of Mr. Edgeworth's school?—Mr. Edgeworth has four or five different masters; they are not disposed, and if they were disposed, they dare not interfere.

Within your experience of the diocese of Ardagh, has there been any anxiety to proselytise the children?—I think less than in many others.

Has there been any?—I think there has.

What has been the result of those attempts?—I think the result was in the inverse ratio.

Do you mean to suggest that the attempts which have been made to proselytize the Catholics to the Protestant faith have had the effect of adding converts to the Catholic faith?—It has had that effect; in one parish particularly on my visitation three or four persons, who had lived as nominal Protestants, made application to me to receive them as members of the Catholic Church, and that arising I think from the over exertions for proselytism.

Are the Committee to understand that the attempt at proselytism has been mutual, that there has been an equal attempt on the part of the Roman Catholics?—I do not think there has.

Then how could those children have been converted to the Catholic faith?—They were not children; they were the mothers of children, and the fathers of children;

children; they were grown persons; they were nominal Protestants, and they sent to me on the day of visitation, saying that they wished to become members of the Catholic church.

Did that arise from indignation at the conduct of the schoolmaster in attempting to proselytise the children?—No, it was not the schoolmaster; it was a proselyting disposition that was all over the neighbourhood; it was quite disgusting.

Have you visited schools yourself where attempts at proselytism have been made?—I have; but the instances have been few.

Were those attempts at proselyting made chiefly by the schoolmasters or by the patrons of the school?—By both.

In those cases where such attempts have been made, have you ever remonstrated with the patrons of the school?—No, I do not think I ever have; what I did was to speak to the clergyman who was in charge of the parish to have a vigilant care of his flock.

Have not the children in general been immediately taken away?—Very generally, except where they depended much upon the landlord or the person under whom they derived.

Do you find the clergy in that part of the country liberal in their views of education?—Yes, except in few instances.

Do not you think, that if, instead of taking the child away, the Catholic priest was to remonstrate with the patron upon that very unfair attempt to proselytize the Catholic children, that that remonstrance would have its due effect?—I think not, because it does not depend entirely on the local patron; it depends upon the visitors and others who occasionally frequent such schools.

What is the general situation of the peasantry in your diocese?—It is very wretched.

Has the system of creating 40s. freeholds with a view to an election interest prevailed extensively in your diocese?—I presume it has.

Have you witnessed any occasions in which large bodies of the population have been brought to a sessions town for the purpose of registering freeholds?—No, I have not witnessed; I never attended such.

You have not happened to be present at registries?—No.

Have you seen large bodies of freeholders coming in to be registered, or returning from having registered?—I have.

Can you describe the general appearance of that class of individuals?—Wretched, in many instances.

Do you conceive that class generally to consist of persons possessing, in the real sense of the law, a freehold of 40s. value?—I rather think they do; if they were to dispose of their freeholds, they would generally get 40s.; but in many instances I do not think they are worth it.

Are they not in a state of entire dependence upon the landlords in general?—They are.

Is that owing to the lower class of occupying tenant being generally in arrear for rent, or is it owing to other circumstances of his situation giving the landlord a powerful influence over him?—I suppose both.

Does the system of joint tenancy prevail much in the part of the country with which you are acquainted?—I think it does; but I think it is doing away a good deal.

Have you ever heard of a candidate canvassing the 40s. freeholders?—Yes; I have.

In frequent instances?—In some instances.

Against their landlord?—Against their landlord.

Do you mean without having obtained permission from the proprietor?—I think in some instances without his consent; but I think it is a matter of etiquette in general not to do so.

In point of fact, do you believe that the general class of 40s. freeholders in those counties exercise the right of franchise independent of, or at the absolute dictation of, the person under whom they derive their leases?—I think, in general, they go along with their landlords; but in some instances they do not.

What is the general practice?—I think generally they do.

Have you any doubt that, generally speaking, the tenants of an estate vote with the proprietor of the soil?—I know some instances where they did not, but I think in general they do.

Have

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Have you the least doubt that they are driven in to vote without any consultation of them or of their disposition?—I have not. I think, in general, when they are called upon, they go along with their landlords without ever reflecting.

Have you the least doubt that they are called upon to vote without ever consulting them as to what their own disposition is, or informing them how their vote is to be given till they appear at the poll?—I think that is the practice in general.

Do you think that that class of persons would feel injured or benefited, or that they would have much public feeling of any sort, upon that franchise being disallowed?—I think each individual would feel no loss, but I think there would be a degree of dissatisfaction among the body at large.

Can you say from what cause or principle that would arise?—They would conceive it was taking away so much from them, and there would not be wanting individuals who, from design, would be stirring up their minds to think so.

But if the great majority of the freeholders, such as you have described, are brought up to the poll, not only without any consultation of what their disposition is, but without any information even of the name of the candidate for whom they are to vote, till they are produced upon the hustings, do you think that such persons would feel that they were deprived of any political privilege?—They generally act with their landlord; they have the power of acting otherwise.

Will you state what the result of their acting otherwise would be upon the tenantry of any large property within your knowledge?—I dare say to incur the dissatisfaction of the landlord, and if they owed arrears of rent to press them for it.

Do you not think that perjury is committed to a very great extent in consequence of this system?—I do.

Both upon registries and upon elections?—Yes.

Do you not think that any alteration of the law which was to reform this system, would in itself produce a great improvement in the morality of the people?—I hope so.

You cannot doubt that the present system demoralizes them extremely?—I think it does.

Have you any doubt that a system under which perjury prevails to the extent you have admitted, must of itself demoralize the country?—Indeed I think it is a demoralizing system.

The great mass of the 40s. freeholders in the part of Ireland with which you are acquainted are Catholics, are they not?—Generally.

Do you not conceive the effect of altering the franchise, and striking off the 40s. votes, as it is called, would be to impress upon the Catholic population at large a feeling that their religion had sustained a loss?—No doubt.

Would not the effect of it be that they would feel that the Catholic influence of Ireland was diminished?—I think so.

Would not that be a great source of dissatisfaction that would be felt at any attempt to alter the 40s. franchise?—There would be that dissatisfaction.

If the alteration of the franchise was accompanied by a measure advantageous to the Catholic religion, as by passing what is called Catholic Emancipation, do you not think that the satisfaction created by the one measure would outweigh the dissatisfaction excited by the other?—Indeed I rather think so; I think the one would be swallowed up in the consideration of the other.

Have you then any doubt that the Catholics, generally speaking, would be more gratified at the removal of what they consider a stigma upon their religion, than they would feel apprehensive at their deprivation of the 40s. franchise, such as you have described?—I think so.

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